

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DAVID SAMBRANO, individually, and on behalf of all others similarly situated, Plaintiffs, v. UNITED AIRLINES, INC., Defendant.	§ § § § § § § § § §	Civil Action No. 4:21-CV-01074-P
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**APPENDIX IN SUPPORT OF DEFENDANT’S
MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

NOW COMES, Defendant United Airlines, Inc. and files this Appendix in Support of Its Motion to Compel Production of Documents.

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>APP NO.</u>
1	Defendant’s First Requests for Production to Plaintiffs served February 21, 2023 (8 sets)	App. 1 - 120
2	Defendant’s First Set of Interrogatories to Plaintiffs served February 21, 2023 (8 sets)	App. 121 - 200
3	Plaintiffs’ Responses and Objections to Defendant’s First Requests for Production served April 7, 2023	App. 201 - 228
4	Plaintiffs’ Responses and Objections to Defendant’s First Set of Interrogatories served April 21, 2023	App. 229 - 275
5	Letter dated April 21, 2023 from Jones Day to Plaintiffs’ counsel regarding discovery responses	App. 276 - 279
6	Letter dated May 1, 2023 from Schaerr Jaffe to Jones Day responding to April 21, 2023 letter	App. 280 - 285
7	Excerpts from EEOC Compliance Manual, Section 12: Religious Discrimination published Jan. 15, 2021	App. 286 - 302

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| 8 | EEOC Questions and Answers: Religious Discrimination
In the Workplace (last visited May 15, 2023) | App. 303 - 319 |
| 9 | Plaintiffs' Third Request for Production to Defendant
served April 27, 2023 | App. 320 - 323 |

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 15th day of May, 2023:

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/s/ Russell D. Cawyer
Russell D. Cawyer

INSTRUCTIONS

1. In producing the required documents and tangible things, furnish all information in your possession, custody or control, including information in the possession of your attorneys, investigators, auditors, accountants, physicians, psychiatrists, mental health professionals, or spouse, and all persons acting or purporting to act on your behalf, and not merely such documents in your possession.

2. If any document or tangible thing falling within any description contained in this Request is withheld under claim of privilege, Plaintiff shall serve upon Defendant's attorney a written list of the withheld documents, including the following information as to each such item: (a) its date; (b) the name(c) of the person(s) or other entity(ies) who drafted, authored or prepared it; (d) its title; (d) the general nature of the document (without disclosing its contents); (e) the name(s) of the person(s) or other entity(ies) to whom it was addressed; (f) the document's present location; (g) the name of each person or entity to whom the item or any copy or reproduction thereof was ever directed, addressed, sent, delivered, mailed, given or in any other manner disclosed; and (h) a statement providing the specific reasons the document or tangible item is withheld (i.e., which privilege is claimed).

3. The provisions of the Federal Rules of Civil Procedure regarding the supplementation of the responses to this Request shall apply hereto.

4. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff is instructed to produce the documents as they are kept in the usual course of business or the documents shall be organized and labeled to correspond with the categories in this Request. In addition, documents are to be produced in full and unexpurgated form; redacted documents will not constitute compliance with this Request.

5. If any document or tangible thing described in this request was, but no longer is, in Plaintiff's possession, or subject to his custody or control, or in existence, state whether:

- a. It is missing or lost;
- b. It has been destroyed;
- c. It has been transferred, voluntarily or involuntarily, to others; or
- d. It has been otherwise disposed of.

In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing the same, and the date(s) thereof. Identify each document by listing its author, the author's address, type of writing (e.g., letter, memorandum, telegram, chart, or photograph), date, subject matter, present location(s), and custodians(s), and state whether the document or copies thereof are still in existence.

6. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information or more complete answers and would avoid the requests herein being considered ambiguous, inaccurate or confusing.

7. These requests are not intended to require production of your attorneys' notes (unless they have been disclosed to a third party) or correspondence between you and your attorneys (unless such correspondence has been disclosed to a third party).

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

A. The term "person" shall mean and include a natural person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

B. The terms "you", "your" and "Plaintiff" refer to Plaintiff Alyse Medlin and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff's behalf, including Plaintiff's attorneys, consultants, experts, investigators, agents or other persons acting on Plaintiff's behalf.

C. As used herein, "Defendant" and "United" refers to Defendant United Airlines, Inc.

D. The term "Lawsuit", means the lawsuit brought by David Sambrano, et al against United Airlines, Inc., currently pending in the Northern District of Texas, Cause No. 4:21-CV-01074-P.

E. The term "communication" is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, conversation, electronic data transmission or otherwise.

F. The term "document" is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries

of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

G. As used herein in requesting documents, the terms “relate(s)”, “refer(s)”, and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed.

H. As used herein, “Complaint” refers to the Original Complaint and all supplements and amendments to the Original Complaint filed by Plaintiff in this Lawsuit.

I. “And”, “or” and “and/or” shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete answers and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

J. The singular form of a word used herein shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete responses and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your religion.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your Disability.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all documents showing your efforts or efforts made on your behalf to obtain employment or self-employment other than with United from August 6, 2020 through time of trial, including, but not limited to, all resumes, job applications, letters, newspaper advertisements, agreements and correspondence with employment agencies or headhunters, notes, lists of potential employers contacted or visited, and all correspondence submitted, received, or made in connection with any search for employment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all communications with any health care providers regarding vaccines or immunizations since the age of 18 including but not limited to any records of vaccines or immunizations you have received.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce all documents describing any employment benefits, flight or travel benefits, medical coverage, retirement benefits and disability benefits that have been made available to you in connection with any employment since August 6, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Produce all summary plan descriptions for all employment benefits you were eligible to receive or have been provided since August 6, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Produce all communications with any religious or spiritual advisors regarding vaccines or immunizations since the age of 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Produce all documents upon which you rely to support your allegations of damages in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Produce all documents you have obtained by subpoena, deposition on written questions, federal or state open records requests, or authorization by you in connection with this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Produce all documents constituting, referring to, or pertaining to any allegations and/or complaints of discrimination that you made to Defendant during the course of your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Produce all documents constituting, concerning, or otherwise relating to any communication between any person(s) that is related to your employment with Defendant or any of the matters alleged in your Complaint and/or that contain recorded conversations with any present or former employee of Defendant. This includes any correspondence you received from or sent to Defendant regarding your separation of employment with Defendant. For each recording, please produce the original and any transcript made of the recording.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Produce all job descriptions and other documents that describe, concern, or relate to your job duties and responsibilities with Defendant during the course of your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Produce all communications sent to or received from the EEOC or Fair Employment Practice Agency or any other governmental agency, body, official, or tribunal, including but not limited to any State Attorney General's Office, from August 6, 2020 relating to United's COVID-19 vaccine policy, including but not limited to charges of discrimination, intake questionnaires, inquiries and other documents and communications.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Produce copies of your federal income tax returns from 2019 to the present, including all schedules and attachments thereto.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Produce all documents supporting or evidencing any claim you made against United for economic losses.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Produce all diaries, calendars, daily, weekly or monthly planners or daytimers, appointment books, notes, electronic mail, notebooks, journals or similar documents maintained by you since August 6, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Produce all video, oral, taped, electronically recorded, or written statement or conversation of any person made during your employment with Defendant or about your employment with Defendant or any of the matters alleged in the Lawsuit and/or that contain recorded conversations with any present or former employee of Defendant. For each recording or statement, also produce the original recording or statement and any transcripts made of the recording or statement.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Produce all text messages, email messages, voicemail messages, photographs, and any other tangible items or communications of any kind sent to or received from any person about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from August 6, 2020 through time of trial. This request does not seek communications sent solely to or from your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Produce all paystubs, check receipts or other documents showing payments made to you for work performed from January 1, 2021 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Produce all emails you forwarded from your United work e-mail address from August 6, 2021, to any personal email address.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Produce all W-2s for the last three (3) years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Produce any communications you sent to or received from with any religious or spiritual leaders about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Produce any communications sent to or received from any third party, other than United, about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through the time of trial. This request does not seek communications with your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: Produce all communications with Airline Employees 4 Health Freedom (AE4HF) members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25: Produce all communications with members of Congress and/or their staffs, including but not limited to U.S. Senators Ted Cruz, Roger Marshall, Rick Scott, Marsha Blackburn from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26: Produce all communications (written, video, audio) sent to or received from any news media about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27: Produce all vaccine or immunization records from any health care provider from whom you received any care, diagnosis or treatment since age 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: Produce all communications sent to or received from United about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, this Lawsuit itself, and/or your employment from June 2020 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: Produce all employment offers and/or employment rejection letters you received from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Produce all documents evidencing your application(s) for or receipt of unemployment benefits, if any, and all documents, if any, that you submitted to or received from any state, federal, or municipal agency related to unemployment benefits from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: Produce all documents, including correspondence, payroll check stubs, W-2 and 1099 forms, non-negotiable checks, checking and savings account deposit slips, money order receipts, invoices, receipts, applications or claims for benefits, determinations of eligibility for benefits and account statements that show any wages, benefits or other remuneration you received while you were on unpaid leave from United from any source, including employment compensation and benefits, disability benefits, workers' compensation benefits, social security benefits, unemployment compensation and self-employment compensation and benefits.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: If you contend that you have a medical condition that should exempt you from receipt of the COVID-19 vaccine, produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for the medical condition that should exempt you from the vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: Produce a signed and executed copy of the Authorization to Release Protected Health Care Information attached as Exhibit A.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: Produce all records reflecting any contributions to any religious organizations you have made in the last ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: Produce copies of any joint defense agreement you have with any other person, entity or party from August 6, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 36: Produce copies of all agreements where any person or entity agreed to indemnify you, pay your attorney's fees or advance you fees or costs to prosecute this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 37: Produce all Form 1099-G's showing the amount of any unemployment compensation paid to you from January 1, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: Produce all documents you reviewed regarding vaccinations and immunizations prior to submitted your request to United for exemption from receiving the COVID-19 vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39: Produce a copy of your Instagram account activity including comments, likes, messages and deleted items from August 6, 2021 to present for any Instagram account you have used. To download your activity, log into each Instagram account, select "Settings"; "Privacy and Security"; "Download Data" and request a download link of your activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 40: Produce a copy of your Facebook account activity, including comments, likes, messages and deleted items from August 6, 2021 to present for any Facebook account you have used. To download your activity, log into each Facebook account click the upside down triangle in the top right of Facebook. Select Settings & Privacy. In the left column, click Your Facebook Information. Next to Download Your Information, click View and follow the instructions from there.

RESPONSE:

REQUEST FOR PRODUCTION NO. 41: Produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for any Disability. Disability has the same meaning as used in the Americans with Disabilities Act and means a physical or mental impairment that substantially limits a major life activity; a record of a physical or mental impairment that substantially limits a major life activity; or being regarded or perceived as having physical or mental impairment that substantially limits a major life activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 42: If you seek to recover attorneys' fees in this suit, produce the contract or representation arrangement between you and your attorneys, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 43: If you seek to recover attorneys' fees in this suit, produce any agreement between you, your attorneys, and any third party, including but not limited to Liberty Counsel, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 44: If you seek to recover attorneys' fees in this Lawsuit, produce all invoices from or payments to any attorney(s) you have hired or consulted in connection with the subject matter of this Lawsuit dated, created or generated from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 45: If you seek to recover attorneys' fees in this Lawsuit, produce any timesheets billing logs, billing statements or other documents that reflect the time spent working or billing by your attorney(s) on this Lawsuit from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 46: Produce all documents showing you were subject to harassment or a hostile work environment including, but not limited to, complaints, reports, or communications describing the harassment.

RESPONSE:

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

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aboone@schaerr-jaffe.com

/s/ Russell D. Cawyer
Russell D. Cawyer

EXHIBIT "A"**AUTHORIZATION TO RELEASE PROTECTED HEALTH CARE INFORMATION**

RE: Patient: Alyse Medlin
DOB: _____
Social Security No.: _____
TO: _____ [Health Care Provider]
 _____ [Address]
 _____ [City, State, Zip Code]

Pursuant to the Health Insurance Portability and Accountability Act ("HIPAA") Privacy Regulations, 45 CFR § 164.508, the provider listed above is hereby authorized to release to Kelly Hart & Hallman LLP, or any of its representatives, all health information and medical records, including but not limited to: history/physical exam, past/present medications, lab results, physician's orders, patient allergies, operation reports, consultant reports, progress notes, discharge summary, diagnostic test reports, EKG/cardiology reports, pathology reports, radiology reports and images, office notes, nurses' notes, emergency room records, in-patient records, MRIs or PET scans, pharmacy and drug records, billing information, health insurance claim records, Medicaid, or Medicare records, mental health/psychiatric records, drug, alcohol, or substance abuse records (including drug testing result and chain of custody documents), HIV/AIDS test results/treatment, genetic information (including genetic test results) concerning any medical treatment that I have received from you, at your institution, as well as all such records which you keep in the regular course of business and which are found in my medical records file.

The purpose of this authorization and request is to permit the attorneys of Kelly Hart & Hallman LLP to obtain ALL medical information pertaining to my physical or mental condition. This authorization expires three (3) years from the date of the signature. The aforementioned expiration date has not passed, as this matter is ongoing.

I hereby authorize the attorneys of Kelly Hart & Hallman LLP to speak to my health care professionals privately or to take testimony at deposition or trial as may be requested.

I have the right to revoke this authorization in writing by providing a signed, written notice of revocation to the health care provider listed above and to Kelly Hart & Hallman LLP, except to the extent that the provider listed above has taken action in reliance on this authorization. Medical providers may not condition treatment or payment on whether the above-listed patient executes this authorization. The information disclosed pursuant to this authorization may be subject to re-disclosure and no longer protected by the privacy regulations promulgated pursuant to HIPAA.

A photostatic copy hereof shall be as valid as the original.

 Date of Signature

 Signature

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DAVID SAMBRANO, DAVID	§	
CASTILLO, KIMBERLY HAMILTON,	§	
DEBRA JENNEFER THAL JONAS,	§	
GENISE KINCANNON, and SETH	§	
TURNBOUGH, on their own behalf and on	§	
behalf of all others similarly situated,	§	
	§	
Plaintiffs,	§	Civil Action No.
	§	
v.	§	4:21-CV-01074-P
	§	
UNITED AIRLINES, INC.,	§	
	§	
Defendant.	§	

**DEFENDANT'S FIRST REQUESTS FOR PRODUCTION
TO PLAINTIFF CHARLES BURK**

TO: Plaintiff, David Sambrano, by and through his attorneys of record, John C. Sullivan and Austin Nimocks, SL Law, PLLC, 610 Uptown Blvd., Ste. 2000, Cedar Hill, Texas 75104; Mark R. Paoletta, Gene C. Schaerr, Brian J. Field, Kenneth A. Klukowski, Joshua James Prince, and Annika M. Boone, Schaerr Jaffe, LLP, 1717 K Street NW, Ste. 900, Washington, D.C. 20006.

Defendant United Airlines, Inc. (“United”), by and through its attorneys of record, and pursuant to Rule 34 of the Federal Rules of Civil Procedure, hereby requests that Plaintiff Charles Burk (“Burk” or “Plaintiff”) diligently and carefully search for, examine, inquire about and produce for inspection and copying the documents (as that term is hereinafter defined) requested below. Production is to be made as soon as possible, but not later than thirty (30) days following service of this Request for Production of Documents. Production is to be made at the Chicago office of Jones Day, 110 N. Wacker Dr., Ste. 4800, Chicago, IL 60606, with a copy to the office of Kelly Hart & Hallman LLP, 201 Main Street, Suite 2500, Fort Worth, Texas 76102.

INSTRUCTIONS

1. In producing the required documents and tangible things, furnish all information in your possession, custody or control, including information in the possession of your attorneys, investigators, auditors, accountants, physicians, psychiatrists, mental health professionals, or spouse, and all persons acting or purporting to act on your behalf, and not merely such documents in your possession.

2. If any document or tangible thing falling within any description contained in this Request is withheld under claim of privilege, Plaintiff shall serve upon Defendant's attorney a written list of the withheld documents, including the following information as to each such item: (a) its date; (b) the name(c) of the person(s) or other entity(ies) who drafted, authored or prepared it; (d) its title; (d) the general nature of the document (without disclosing its contents); (e) the name(s) of the person(s) or other entity(ies) to whom it was addressed; (f) the document's present location; (g) the name of each person or entity to whom the item or any copy or reproduction thereof was ever directed, addressed, sent, delivered, mailed, given or in any other manner disclosed; and (h) a statement providing the specific reasons the document or tangible item is withheld (i.e., which privilege is claimed).

3. The provisions of the Federal Rules of Civil Procedure regarding the supplementation of the responses to this Request shall apply hereto.

4. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff is instructed to produce the documents as they are kept in the usual course of business or the documents shall be organized and labeled to correspond with the categories in this Request. In addition, documents are to be produced in full and unexpurgated form; redacted documents will not constitute compliance with this Request.

5. If any document or tangible thing described in this request was, but no longer is, in Plaintiff's possession, or subject to his custody or control, or in existence, state whether:

- a. It is missing or lost;
- b. It has been destroyed;
- c. It has been transferred, voluntarily or involuntarily, to others; or
- d. It has been otherwise disposed of.

In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing the same, and the date(s) thereof. Identify each document by listing its author, the author's address, type of writing (e.g., letter, memorandum, telegram, chart, or photograph), date, subject matter, present location(s), and custodians(s), and state whether the document or copies thereof are still in existence.

6. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information or more complete answers and would avoid the requests herein being considered ambiguous, inaccurate or confusing.

7. These requests are not intended to require production of your attorneys' notes (unless they have been disclosed to a third party) or correspondence between you and your attorneys (unless such correspondence has been disclosed to a third party).

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

A. The term "person" shall mean and include a natural person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

B. The terms "you", "your" and "Plaintiff" refer to Plaintiff Charles Burk and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff's behalf, including Plaintiff's attorneys, consultants, experts, investigators, agents or other persons acting on Plaintiff's behalf.

C. As used herein, "Defendant" and "United" refers to Defendant United Airlines, Inc.

D. The term "Lawsuit", means the lawsuit brought by David Sambrano, et al against United Airlines, Inc., currently pending in the Northern District of Texas, Cause No. 4:21-CV-01074-P.

E. The term "communication" is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, conversation, electronic data transmission or otherwise.

F. The term "document" is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries

of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

G. As used herein in requesting documents, the terms “relate(s)”, “refer(s)”, and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed.

H. As used herein, “Complaint” refers to the Original Complaint and all supplements and amendments to the Original Complaint filed by Plaintiff in this Lawsuit.

I. “And”, “or” and “and/or” shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete answers and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

J. The singular form of a word used herein shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete responses and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your religion.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your Disability.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all documents showing your efforts or efforts made on your behalf to obtain employment or self-employment other than with United from August 6, 2020 through time of trial, including, but not limited to, all resumes, job applications, letters, newspaper advertisements, agreements and correspondence with employment agencies or headhunters, notes, lists of potential employers contacted or visited, and all correspondence submitted, received, or made in connection with any search for employment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all communications with any health care providers regarding vaccines or immunizations since the age of 18 including but not limited to any records of vaccines or immunizations you have received.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce all documents describing any employment benefits, flight or travel benefits, medical coverage, retirement benefits and disability benefits that have been made available to you in connection with any employment since August 6, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Produce all summary plan descriptions for all employment benefits you were eligible to receive or have been provided since August 6, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Produce all communications with any religious or spiritual advisors regarding vaccines or immunizations since the age of 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Produce all documents upon which you rely to support your allegations of damages in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Produce all documents you have obtained by subpoena, deposition on written questions, federal or state open records requests, or authorization by you in connection with this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Produce all documents constituting, referring to, or pertaining to any allegations and/or complaints of discrimination that you made to Defendant during the course of your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Produce all documents constituting, concerning, or otherwise relating to any communication between any person(s) that is related to your employment with Defendant or any of the matters alleged in your Complaint and/or that contain recorded conversations with any present or former employee of Defendant. This includes any correspondence you received from or sent to Defendant regarding your separation of employment with Defendant. For each recording, please produce the original and any transcript made of the recording.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Produce all job descriptions and other documents that describe, concern, or relate to your job duties and responsibilities with Defendant during the course of your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Produce all communications sent to or received from the EEOC or Fair Employment Practice Agency or any other governmental agency, body, official, or tribunal, including but not limited to any State Attorney General's Office, from August 6, 2020 relating to United's COVID-19 vaccine policy, including but not limited to charges of discrimination, intake questionnaires, inquiries and other documents and communications.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Produce copies of your federal income tax returns from 2019 to the present, including all schedules and attachments thereto.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Produce all documents supporting or evidencing any claim you made against United for economic losses.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Produce all diaries, calendars, daily, weekly or monthly planners or daytimers, appointment books, notes, electronic mail, notebooks, journals or similar documents maintained by you since August 6, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Produce all video, oral, taped, electronically recorded, or written statement or conversation of any person made during your employment with Defendant or about your employment with Defendant or any of the matters alleged in the Lawsuit and/or that contain recorded conversations with any present or former employee of Defendant. For each recording or statement, also produce the original recording or statement and any transcripts made of the recording or statement.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Produce all text messages, email messages, voicemail messages, photographs, and any other tangible items or communications of any kind sent to or received from any person about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from August 6, 2020 through time of trial. This request does not seek communications sent solely to or from your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Produce all paystubs, check receipts or other documents showing payments made to you for work performed from January 1, 2021 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Produce all emails you forwarded from your United work e-mail address from August 6, 2021, to any personal email address.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Produce all W-2s for the last three (3) years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Produce any communications you sent to or received from with any religious or spiritual leaders about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Produce any communications sent to or received from any third party, other than United, about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through the time of trial. This request does not seek communications with your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: Produce all communications with Airline Employees 4 Health Freedom (AE4HF) members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25: Produce all communications with members of Congress and/or their staffs, including but not limited to U.S. Senators Ted Cruz, Roger Marshall, Rick Scott, Marsha Blackburn from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26: Produce all communications (written, video, audio) sent to or received from any news media about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27: Produce all vaccine or immunization records from any health care provider from whom you received any care, diagnosis or treatment since age 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: Produce all communications sent to or received from United about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, this Lawsuit itself, and/or your employment from June 2020 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: Produce all employment offers and/or employment rejection letters you received from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Produce all documents evidencing your application(s) for or receipt of unemployment benefits, if any, and all documents, if any, that you submitted to or received from any state, federal, or municipal agency related to unemployment benefits from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: Produce all documents, including correspondence, payroll check stubs, W-2 and 1099 forms, non-negotiable checks, checking and savings account deposit slips, money order receipts, invoices, receipts, applications or claims for benefits, determinations of eligibility for benefits and account statements that show any wages, benefits or other remuneration you received while you were on unpaid leave from United from any source, including employment compensation and benefits, disability benefits, workers' compensation benefits, social security benefits, unemployment compensation and self-employment compensation and benefits.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: If you contend that you have a medical condition that should exempt you from receipt of the COVID-19 vaccine, produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for the medical condition that should exempt you from the vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: Produce a signed and executed copy of the Authorization to Release Protected Health Care Information attached as Exhibit A.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: Produce all records reflecting any contributions to any religious organizations you have made in the last ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: Produce copies of any joint defense agreement you have with any other person, entity or party from August 6, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 36: Produce copies of all agreements where any person or entity agreed to indemnify you, pay your attorney's fees or advance you fees or costs to prosecute this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 37: Produce all Form 1099-G's showing the amount of any unemployment compensation paid to you from January 1, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: Produce all documents you reviewed regarding vaccinations and immunizations prior to submitted your request to United for exemption from receiving the COVID-19 vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39: Produce a copy of your Instagram account activity including comments, likes, messages and deleted items from August 6, 2021 to present for any Instagram account you have used. To download your activity, log into each Instagram account, select "Settings"; "Privacy and Security"; "Download Data" and request a download link of your activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 40: Produce a copy of your Facebook account activity, including comments, likes, messages and deleted items from August 6, 2021 to present for any Facebook account you have used. To download your activity, log into each Facebook account click the upside down triangle in the top right of Facebook. Select Settings & Privacy. In the left column, click Your Facebook Information. Next to Download Your Information, click View and follow the instructions from there.

RESPONSE:

REQUEST FOR PRODUCTION NO. 41: Produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for any Disability. Disability has the same meaning as used in the Americans with Disabilities Act and means a physical or mental impairment that substantially limits a major life activity; a record of a physical or mental impairment that substantially limits a major life activity; or being regarded or perceived as having physical or mental impairment that substantially limits a major life activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 42: If you seek to recover attorneys' fees in this suit, produce the contract or representation arrangement between you and your attorneys, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 43: If you seek to recover attorneys' fees in this suit, produce any agreement between you, your attorneys, and any third party, including but not limited to Liberty Counsel, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 44: If you seek to recover attorneys' fees in this Lawsuit, produce all invoices from or payments to any attorney(s) you have hired or consulted in connection with the subject matter of this Lawsuit dated, created or generated from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 45: If you seek to recover attorneys' fees in this Lawsuit, produce any timesheets billing logs, billing statements or other documents that reflect the time spent working or billing by your attorney(s) on this Lawsuit from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 46: Produce all documents showing you were subject to harassment or a hostile work environment including, but not limited to, complaints, reports, or communications describing the harassment.

RESPONSE:

Respectfully submitted,

/s/ Russell D. Cawyer

Donald J. Munro
D.C. Bar No. 453600
JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001
Telephone: (202) 879-3939
Facsimile: (202) 626-1700
Email: dmunro@jonesday.com

Russell D. Cawyer
State Bar No. 00793482
KELLY HART & HALLMAN LLP
201 Main St., Ste. 2500
Fort Worth, Texas 76102
(817) 878-3562 (telephone)
(817) 335-2820 (facsimile)
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Jordan M. Matthews
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JONES DAY
77 W. Wacker Drive, Suite 3500
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250 Vesey Street
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Taylor J. Winn
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KELLY HART & HALLMAN LLP
201 Main St., Ste. 2500
Fort Worth, Texas 76102
(817) 878-9366 (telephone)
(817) 335-2820 (facsimile)
Email: taylor.winn@kellyhart.com

**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

John C. Sullivan
Austin Nimocks
SL Law, PLLC
610 Uptown Blvd., Ste. 2000
Cedar Hill, Texas 75104
john.sullivan@the-sl-lawfirm.com
austin.nimocks@the-sl-lawfirm.com

Mark R. Paoletta
Gene C. Schaerr
Brian J. Field
Kenneth A. Klukowski
Joshua James Prince
Annika M. Boone
Schaerr Jaffe, LLP
1717 K Street NW, Ste. 900
Washington, D.C. 20006
mpaoletta@schaerr-jaffe.com
gschaerr@schaerr-jaffe.com
bfield@schaerr-jaffe.com
kklukowski@schaerr-jaffe.com
jprince@schaerr-jaffe.com
aboone@schaerr-jaffe.com

/s/ Russell D. Cawyer
Russell D. Cawyer

EXHIBIT "A"**AUTHORIZATION TO RELEASE PROTECTED HEALTH CARE INFORMATION**

RE: Patient: Charles Burk
DOB: _____
Social Security No.: _____
TO: _____ [Health Care Provider]
 _____ [Address]
 _____ [City, State, Zip Code]

Pursuant to the Health Insurance Portability and Accountability Act ("HIPAA") Privacy Regulations, 45 CFR § 164.508, the provider listed above is hereby authorized to release to Kelly Hart & Hallman LLP, or any of its representatives, all health information and medical records, including but not limited to: history/physical exam, past/present medications, lab results, physician's orders, patient allergies, operation reports, consultant reports, progress notes, discharge summary, diagnostic test reports, EKG/cardiology reports, pathology reports, radiology reports and images, office notes, nurses' notes, emergency room records, in-patient records, MRIs or PET scans, pharmacy and drug records, billing information, health insurance claim records, Medicaid, or Medicare records, mental health/psychiatric records, drug, alcohol, or substance abuse records (including drug testing result and chain of custody documents), HIV/AIDS test results/treatment, genetic information (including genetic test results) concerning any medical treatment that I have received from you, at your institution, as well as all such records which you keep in the regular course of business and which are found in my medical records file.

The purpose of this authorization and request is to permit the attorneys of Kelly Hart & Hallman LLP to obtain ALL medical information pertaining to my physical or mental condition. This authorization expires three (3) years from the date of the signature. The aforementioned expiration date has not passed, as this matter is ongoing.

I hereby authorize the attorneys of Kelly Hart & Hallman LLP to speak to my health care professionals privately or to take testimony at deposition or trial as may be requested.

I have the right to revoke this authorization in writing by providing a signed, written notice of revocation to the health care provider listed above and to Kelly Hart & Hallman LLP, except to the extent that the provider listed above has taken action in reliance on this authorization. Medical providers may not condition treatment or payment on whether the above-listed patient executes this authorization. The information disclosed pursuant to this authorization may be subject to re-disclosure and no longer protected by the privacy regulations promulgated pursuant to HIPAA.

A photostatic copy hereof shall be as valid as the original.

 Date of Signature

 Signature

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DAVID SAMBRANO, DAVID	§	
CASTILLO, KIMBERLY HAMILTON,	§	
DEBRA JENNEFER THAL JONAS,	§	
GENISE KINCANNON, and SETH	§	
TURNBOUGH, on their own behalf and on	§	
behalf of all others similarly situated,	§	
	§	
Plaintiffs,	§	Civil Action No.
	§	
v.	§	4:21-CV-01074-P
	§	
UNITED AIRLINES, INC.,	§	
	§	
Defendant.	§	

**DEFENDANT’S FIRST REQUESTS FOR PRODUCTION
TO PLAINTIFF DAVID CASTILLO**

TO: Plaintiff, David Castillo, by and through his attorneys of record, John C. Sullivan, and Austin Nimocks, SL Law, PLLC, 610 Uptown Blvd., Ste. 2000, Cedar Hill, Texas 75104; Mark R. Paoletta, Gene C. Schaerr, Brian J. Field, Kenneth A. Klukowski, Joshua James Prince, and Annika M. Boone, Schaerr Jaffe, LLP, 1717 K Street NW, Ste. 900, Washington, D.C. 20006.

Defendant United Airlines, Inc. (“United”), by and through its attorneys of record, and pursuant to Rule 34 of the Federal Rules of Civil Procedure, hereby requests that Plaintiff David Castillo (“Castillo” or “Plaintiff”) diligently and carefully search for, examine, inquire about and produce for inspection and copying the documents (as that term is hereinafter defined) requested below. Production is to be made as soon as possible, but not later than thirty (30) days following service of this Request for Production of Documents. Production is to be made at the Chicago office of Jones Day, 110 N. Wacker Dr., Ste. 4800, Chicago, IL 60606, with a copy to the office of Kelly Hart & Hallman LLP, 201 Main Street, Suite 2500, Fort Worth, Texas 76102.

INSTRUCTIONS

1. In producing the required documents and tangible things, furnish all information in your possession, custody or control, including information in the possession of your attorneys, investigators, auditors, accountants, physicians, psychiatrists, mental health professionals, or spouse, and all persons acting or purporting to act on your behalf, and not merely such documents in your possession.

2. If any document or tangible thing falling within any description contained in this Request is withheld under claim of privilege, Plaintiff shall serve upon Defendant's attorney a written list of the withheld documents, including the following information as to each such item: (a) its date; (b) the name(c) of the person(s) or other entity(ies) who drafted, authored or prepared it; (d) its title; (d) the general nature of the document (without disclosing its contents); (e) the name(s) of the person(s) or other entity(ies) to whom it was addressed; (f) the document's present location; (g) the name of each person or entity to whom the item or any copy or reproduction thereof was ever directed, addressed, sent, delivered, mailed, given or in any other manner disclosed; and (h) a statement providing the specific reasons the document or tangible item is withheld (i.e., which privilege is claimed).

3. The provisions of the Federal Rules of Civil Procedure regarding the supplementation of the responses to this Request shall apply hereto.

4. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff is instructed to produce the documents as they are kept in the usual course of business or the documents shall be organized and labeled to correspond with the categories in this Request. In addition, documents are to be produced in full and unexpurgated form; redacted documents will not constitute compliance with this Request.

5. If any document or tangible thing described in this request was, but no longer is, in Plaintiff's possession, or subject to his custody or control, or in existence, state whether:

- a. It is missing or lost;
- b. It has been destroyed;
- c. It has been transferred, voluntarily or involuntarily, to others; or
- d. It has been otherwise disposed of.

In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing the same, and the date(s) thereof. Identify each document by listing its author, the author's address, type of writing (e.g., letter, memorandum, telegram, chart, or photograph), date, subject matter, present location(s), and custodians(s), and state whether the document or copies thereof are still in existence.

6. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information or more complete answers and would avoid the requests herein being considered ambiguous, inaccurate or confusing.

7. These requests are not intended to require production of your attorneys' notes (unless they have been disclosed to a third party) or correspondence between you and your attorneys (unless such correspondence has been disclosed to a third party).

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

A. The term "person" shall mean and include a natural person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

B. The terms "you", "your" and "Plaintiff" refer to Plaintiff David Castillo and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff's behalf, including Plaintiff's attorneys, consultants, experts, investigators, agents or other persons acting on Plaintiff's behalf.

C. As used herein, "Defendant" and "United" refers to Defendant United Airlines, Inc.

D. The term "Lawsuit", means the lawsuit brought by David Sambrano, et al against United Airlines, Inc., currently pending in the Northern District of Texas, Cause No. 4:21-CV-01074-P.

E. The term "communication" is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, conversation, electronic data transmission or otherwise.

F. The term "document" is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office

communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

G. As used herein in requesting documents, the terms “relate(s)”, “refer(s)”, and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed.

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J. The singular form of a word used herein shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete responses and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

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RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your Disability.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all documents showing your efforts or efforts made on your behalf to obtain employment or self-employment other than with United from August 6, 2020 through time of trial, including, but not limited to, all resumes, job applications, letters, newspaper advertisements, agreements and correspondence with employment agencies or headhunters, notes, lists of potential employers contacted or visited, and all correspondence submitted, received, or made in connection with any search for employment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all communications with any health care providers regarding vaccines or immunizations since the age of 18 including but not limited to any records of vaccines or immunizations you have received.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce all documents describing any employment benefits, flight or travel benefits, medical coverage, retirement benefits and disability benefits that have been made available to you in connection with any employment since August 6, 2020.

RESPONSE:

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RESPONSE:

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RESPONSE:

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RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Produce all documents constituting, referring to, or pertaining to any allegations and/or complaints of discrimination that you made to Defendant during the course of your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Produce all documents constituting, concerning, or otherwise relating to any communication between any person(s) that is related to your employment with Defendant or any of the matters alleged in your Complaint and/or that contain recorded conversations with any present or former employee of Defendant. This includes any correspondence you received from or sent to Defendant regarding your separation of employment with Defendant. For each recording, please produce the original and any transcript made of the recording.

RESPONSE:

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RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Produce all communications sent to or received from the EEOC or Fair Employment Practice Agency or any other governmental agency, body, official, or tribunal, including but not limited to any State Attorney General's Office, from August 6, 2020 relating to United's COVID-19 vaccine policy, including but not limited to charges of discrimination, intake questionnaires, inquiries and other documents and communications.

RESPONSE:

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RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Produce all documents supporting or evidencing any claim you made against United for economic losses.

RESPONSE:

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RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Produce all emails you forwarded from your United work e-mail address from August 6, 2021, to any personal email address.

RESPONSE:

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RESPONSE:

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RESPONSE:

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RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Produce all documents evidencing your application(s) for or receipt of unemployment benefits, if any, and all documents, if any, that you submitted to or received from any state, federal, or municipal agency related to unemployment benefits from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: Produce all documents, including correspondence, payroll check stubs, W-2 and 1099 forms, non-negotiable checks, checking and savings account deposit slips, money order receipts, invoices, receipts, applications or claims for benefits, determinations of eligibility for benefits and account statements that show any wages, benefits or other remuneration you received while you were on unpaid leave from United from any source, including employment compensation and benefits, disability benefits, workers' compensation benefits, social security benefits, unemployment compensation and self-employment compensation and benefits.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: If you contend that you have a medical condition that should exempt you from receipt of the COVID-19 vaccine, produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for the medical condition that should exempt you from the vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: Produce a signed and executed copy of the Authorization to Release Protected Health Care Information attached as Exhibit A.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: Produce all records reflecting any contributions to any religious organizations you have made in the last ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: Produce copies of any joint defense agreement you have with any other person, entity or party from August 6, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 36: Produce copies of all agreements where any person or entity agreed to indemnify you, pay your attorney's fees or advance you fees or costs to prosecute this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 37: Produce all Form 1099-G's showing the amount of any unemployment compensation paid to you from January 1, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: Produce all documents you reviewed regarding vaccinations and immunizations prior to submitted your request to United for exemption from receiving the COVID-19 vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39: Produce a copy of your Instagram account activity including comments, likes, messages and deleted items from August 6, 2021 to present for any Instagram account you have used. To download your activity, log into each Instagram account, select "Settings"; "Privacy and Security"; "Download Data" and request a download link of your activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 40: Produce a copy of your Facebook account activity, including comments, likes, messages and deleted items from August 6, 2021 to present for any Facebook account you have used. To download your activity, log into each Facebook account click the upside down triangle in the top right of Facebook. Select Settings & Privacy. In the left column, click Your Facebook Information. Next to Download Your Information, click View and follow the instructions from there.

RESPONSE:

REQUEST FOR PRODUCTION NO. 41: Produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for any Disability. Disability has the same meaning as used in the Americans with Disabilities Act and means a physical or mental impairment that substantially limits a major life activity; a record of a physical or mental impairment that substantially limits a major life activity; or being regarded or perceived as having physical or mental impairment that substantially limits a major life activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 42: If you seek to recover attorneys' fees in this suit, produce the contract or representation arrangement between you and your attorneys, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 43: If you seek to recover attorneys' fees in this suit, produce any agreement between you, your attorneys, and any third party, including but not limited to Liberty Counsel, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 44: If you seek to recover attorneys' fees in this Lawsuit, produce all invoices from or payments to any attorney(s) you have hired or consulted in connection with the subject matter of this Lawsuit dated, created or generated from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 45: If you seek to recover attorneys' fees in this Lawsuit, produce any timesheets billing logs, billing statements or other documents that reflect the time spent working or billing by your attorney(s) on this Lawsuit from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 46: Produce all documents showing you were subject to harassment or a hostile work environment including, but not limited to, complaints, reports, or communications describing the harassment.

RESPONSE:

Respectfully submitted,

/s/ Russell D. Cawyer

Donald J. Munro
D.C. Bar No. 453600
JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001
Telephone: (202) 879-3939
Facsimile: (202) 626-1700
Email: dmunro@jonesday.com

Russell D. Cawyer
State Bar No. 00793482
KELLY HART & HALLMAN LLP
201 Main St., Ste. 2500
Fort Worth, Texas 76102
(817) 878-3562 (telephone)
(817) 335-2820 (facsimile)
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Jordan M. Matthews
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JONES DAY
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Alexander V. Maugeri
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JONES DAY
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New York, NY 10281-1047
Telephone: (212) 326-3880
Facsimile: (212) 755-7306
Email: amaugeri@jonesday.com

Taylor J. Winn
State Bar No. 24115960
KELLY HART & HALLMAN LLP
201 Main St., Ste. 2500
Fort Worth, Texas 76102
(817) 878-9366 (telephone)
(817) 335-2820 (facsimile)
Email: taylor.winn@kellyhart.com

**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

John C. Sullivan
Austin Nimocks
SL Law, PLLC
610 Uptown Blvd., Ste. 2000
Cedar Hill, Texas 75104
john.sullivan@the-sl-lawfirm.com
austin.nimocks@the-sl-lawfirm.com

Mark R. Paoletta
Gene C. Schaerr
Brian J. Field
Kenneth A. Klukowski
Joshua James Prince
Annika M. Boone
Schaerr Jaffe, LLP
1717 K Street NW, Ste. 900
Washington, D.C. 20006
mpaoletta@schaerr-jaffe.com
gschaerr@schaerr-jaffe.com
bfield@schaerr-jaffe.com
kklukowski@schaerr-jaffe.com
jprince@schaerr-jaffe.com
aboone@schaerr-jaffe.com

/s/ Russell D. Cawyer
Russell D. Cawyer

EXHIBIT "A"**AUTHORIZATION TO RELEASE PROTECTED HEALTH CARE INFORMATION**

RE: Patient: David Castillo
DOB: _____
Social Security No.: _____
TO: _____ [Health Care Provider]
 _____ [Address]
 _____ [City, State, Zip Code]

Pursuant to the Health Insurance Portability and Accountability Act ("HIPAA") Privacy Regulations, 45 CFR § 164.508, the provider listed above is hereby authorized to release to Kelly Hart & Hallman LLP, or any of its representatives, all health information and medical records, including but not limited to: history/physical exam, past/present medications, lab results, physician's orders, patient allergies, operation reports, consultant reports, progress notes, discharge summary, diagnostic test reports, EKG/cardiology reports, pathology reports, radiology reports and images, office notes, nurses' notes, emergency room records, in-patient records, MRIs or PET scans, pharmacy and drug records, billing information, health insurance claim records, Medicaid, or Medicare records, mental health/psychiatric records, drug, alcohol, or substance abuse records (including drug testing result and chain of custody documents), HIV/AIDS test results/treatment, genetic information (including genetic test results) concerning any medical treatment that I have received from you, at your institution, as well as all such records which you keep in the regular course of business and which are found in my medical records file.

The purpose of this authorization and request is to permit the attorneys of Kelly Hart & Hallman LLP to obtain ALL medical information pertaining to my physical or mental condition. This authorization expires three (3) years from the date of the signature. The aforementioned expiration date has not passed, as this matter is ongoing.

I hereby authorize the attorneys of Kelly Hart & Hallman LLP to speak to my health care professionals privately or to take testimony at deposition or trial as may be requested.

I have the right to revoke this authorization in writing by providing a signed, written notice of revocation to the health care provider listed above and to Kelly Hart & Hallman LLP, except to the extent that the provider listed above has taken action in reliance on this authorization. Medical providers may not condition treatment or payment on whether the above-listed patient executes this authorization. The information disclosed pursuant to this authorization may be subject to re-disclosure and no longer protected by the privacy regulations promulgated pursuant to HIPAA.

A photostatic copy hereof shall be as valid as the original.

 Date of Signature

 Signature

DAVID SAMBRANO, DAVID	§	
CASTILLO, KIMBERLY HAMILTON,	§	
DEBRA JENNEFER THAL JONAS,	§	
GENISE KINCANNON, and SETH	§	
TURNBOUGH, on their own behalf and on	§	
behalf of all others similarly situated,	§	
	§	
Plaintiffs,	§	Civil Action No.
	§	
v.	§	4:21-CV-01074-P
	§	
UNITED AIRLINES, INC.,	§	
	§	
Defendant.	§	

TO: Plaintiff, David Sambrano, by and through his attorneys of record, John C. Sullivan and Austin Nimocks, SL Law, PLLC, 610 Uptown Blvd., Ste. 2000, Cedar Hill, Texas 75104; Mark R. Paoletta, Gene C. Schaerr, Brian J. Field, Kenneth A. Klukowski, Joshua James Prince, and Annika M. Boone, Schaerr Jaffe, LLP, 1717 K Street NW, Ste. 900, Washington, D.C. 20006.

APP. 46

INSTRUCTIONS

1. In producing the required documents and tangible things, furnish all information in your possession, custody or control, including information in the possession of your attorneys, investigators, auditors, accountants, physicians, psychiatrists, mental health professionals, or spouse, and all persons acting or purporting to act on your behalf, and not merely such documents in your possession.

2. If any document or tangible thing falling within any description contained in this Request is withheld under claim of privilege, Plaintiff shall serve upon Defendant's attorney a written list of the withheld documents, including the following information as to each such item: (a) its date; (b) the name(c) of the person(s) or other entity(ies) who drafted, authored or prepared it; (d) its title; (d) the general nature of the document (without disclosing its contents); (e) the name(s) of the person(s) or other entity(ies) to whom it was addressed; (f) the document's present location; (g) the name of each person or entity to whom the item or any copy or reproduction thereof was ever directed, addressed, sent, delivered, mailed, given or in any other manner disclosed; and (h) a statement providing the specific reasons the document or tangible item is withheld (i.e., which privilege is claimed).

3. The provisions of the Federal Rules of Civil Procedure regarding the supplementation of the responses to this Request shall apply hereto.

4. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff is instructed to produce the documents as they are kept in the usual course of business or the documents shall be organized and labeled to correspond with the categories in this Request. In addition, documents are to be produced in full and unexpurgated form; redacted documents will not constitute compliance with this Request.

5. If any document or tangible thing described in this request was, but no longer is, in Plaintiff's possession, or subject to his custody or control, or in existence, state whether:

- a. It is missing or lost;
- b. It has been destroyed;
- c. It has been transferred, voluntarily or involuntarily, to others; or
- d. It has been otherwise disposed of.

In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing the same, and the date(s) thereof. Identify each document by listing its author, the author's address, type of writing (e.g., letter, memorandum, telegram, chart, or photograph), date, subject matter, present location(s), and custodians(s), and state whether the document or copies thereof are still in existence.

6. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information or more complete answers and would avoid the requests herein being considered ambiguous, inaccurate or confusing.

7. These requests are not intended to require production of your attorneys' notes (unless they have been disclosed to a third party) or correspondence between you and your attorneys (unless such correspondence has been disclosed to a third party).

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

A. The term "person" shall mean and include a natural person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

B. The terms "you", "your" and "Plaintiff" refer to Plaintiff David Sambrano and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff's behalf, including Plaintiff's attorneys, consultants, experts, investigators, agents or other persons acting on Plaintiff's behalf.

C. As used herein, "Defendant" and "United" refers to Defendant United Airlines, Inc.

D. The term "Lawsuit", means the lawsuit brought by David Sambrano, et al against United Airlines, Inc., currently pending in the Northern District of Texas, Cause No. 4:21-CV-01074-P.

E. The term "communication" is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, conversation, electronic data transmission or otherwise.

F. The term "document" is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries

of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

G. As used herein in requesting documents, the terms “relate(s)”, “refer(s)”, and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed.

H. As used herein, “Complaint” refers to the Original Complaint and all supplements and amendments to the Original Complaint filed by Plaintiff in this Lawsuit.

I. “And”, “or” and “and/or” shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete answers and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

J. The singular form of a word used herein shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete responses and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your religion.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your Disability.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all documents showing your efforts or efforts made on your behalf to obtain employment or self-employment other than with United from August 6, 2020 through time of trial, including, but not limited to, all resumes, job applications, letters, newspaper advertisements, agreements and correspondence with employment agencies or headhunters, notes, lists of potential employers contacted or visited, and all correspondence submitted, received, or made in connection with any search for employment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all communications with any health care providers regarding vaccines or immunizations since the age of 18 including but not limited to any records of vaccines or immunizations you have received.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce all documents describing any employment benefits, flight or travel benefits, medical coverage, retirement benefits and disability benefits that have been made available to you in connection with any employment since August 6, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Produce all summary plan descriptions for all employment benefits you were eligible to receive or have been provided since August 6, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Produce all communications with any religious or spiritual advisors regarding vaccines or immunizations since the age of 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Produce all documents upon which you rely to support your allegations of damages in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Produce all documents you have obtained by subpoena, deposition on written questions, federal or state open records requests, or authorization by you in connection with this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Produce all documents constituting, referring to, or pertaining to any allegations and/or complaints of discrimination that you made to Defendant during the course of your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Produce all documents constituting, concerning, or otherwise relating to any communication between any person(s) that is related to your employment with Defendant or any of the matters alleged in your Complaint and/or that contain recorded conversations with any present or former employee of Defendant. This includes any correspondence you received from or sent to Defendant regarding your separation of employment with Defendant. For each recording, please produce the original and any transcript made of the recording.

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RESPONSE:

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RESPONSE:

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RESPONSE:

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RESPONSE:

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RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Produce all documents evidencing your application(s) for or receipt of unemployment benefits, if any, and all documents, if any, that you submitted to or received from any state, federal, or municipal agency related to unemployment benefits from August 6, 2020 through time of trial.

RESPONSE:

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RESPONSE:

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RESPONSE:

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RESPONSE:

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RESPONSE:

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RESPONSE:

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RESPONSE:

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RESPONSE:

REQUEST FOR PRODUCTION NO. 38: Produce all documents you reviewed regarding vaccinations and immunizations prior to submitted your request to United for exemption from receiving the COVID-19 vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39: Produce a copy of your Instagram account activity including comments, likes, messages and deleted items from August 6, 2021 to present for any Instagram account you have used. To download your activity, log into each Instagram account, select "Settings"; "Privacy and Security"; "Download Data" and request a download link of your activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 40: Produce a copy of your Facebook account activity, including comments, likes, messages and deleted items from August 6, 2021 to present for any Facebook account you have used. To download your activity, log into each Facebook account click the upside down triangle in the top right of Facebook. Select Settings & Privacy. In the left column, click Your Facebook Information. Next to Download Your Information, click View and follow the instructions from there.

RESPONSE:

REQUEST FOR PRODUCTION NO. 41: Produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for any Disability. Disability has the same meaning as used in the Americans with Disabilities Act and means a physical or mental impairment that substantially limits a major life activity; a record of a physical or mental impairment that substantially limits a major life activity; or being regarded or perceived as having physical or mental impairment that substantially limits a major life activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 42: If you seek to recover attorneys' fees in this suit, produce the contract or representation arrangement between you and your attorneys, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 43: If you seek to recover attorneys' fees in this suit, produce any agreement between you, your attorneys, and any third party, including but not limited to Liberty Counsel, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 44: If you seek to recover attorneys' fees in this Lawsuit, produce all invoices from or payments to any attorney(s) you have hired or consulted in connection with the subject matter of this Lawsuit dated, created or generated from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 45: If you seek to recover attorneys' fees in this Lawsuit, produce any timesheets billing logs, billing statements or other documents that reflect the time spent working or billing by your attorney(s) on this Lawsuit from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 46: Produce all documents showing you were subject to harassment or a hostile work environment including, but not limited to, complaints, reports, or communications describing the harassment.

RESPONSE:

Respectfully submitted,

/s/ Russell D. Cawyer

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(817) 335-2820 (facsimile)
Email: taylor.winn@kellyhart.com

**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

John C. Sullivan
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610 Uptown Blvd., Ste. 2000
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aboone@schaerr-jaffe.com

/s/ Russell D. Cawyer

Russell D. Cawyer

EXHIBIT "A"**AUTHORIZATION TO RELEASE PROTECTED HEALTH CARE INFORMATION**

RE: Patient: David Sambrano
DOB: _____
Social Security No.: _____
TO: _____ [Health Care Provider]
 _____ [Address]
 _____ [City, State, Zip Code]

Pursuant to the Health Insurance Portability and Accountability Act ("HIPAA") Privacy Regulations, 45 CFR § 164.508, the provider listed above is hereby authorized to release to Kelly Hart & Hallman LLP, or any of its representatives, all health information and medical records, including but not limited to: history/physical exam, past/present medications, lab results, physician's orders, patient allergies, operation reports, consultant reports, progress notes, discharge summary, diagnostic test reports, EKG/cardiology reports, pathology reports, radiology reports and images, office notes, nurses' notes, emergency room records, in-patient records, MRIs or PET scans, pharmacy and drug records, billing information, health insurance claim records, Medicaid, or Medicare records, mental health/psychiatric records, drug, alcohol, or substance abuse records (including drug testing result and chain of custody documents), HIV/AIDS test results/treatment, genetic information (including genetic test results) concerning any medical treatment that I have received from you, at your institution, as well as all such records which you keep in the regular course of business and which are found in my medical records file.

The purpose of this authorization and request is to permit the attorneys of Kelly Hart & Hallman LLP to obtain ALL medical information pertaining to my physical or mental condition. This authorization expires three (3) years from the date of the signature. The aforementioned expiration date has not passed, as this matter is ongoing.

I hereby authorize the attorneys of Kelly Hart & Hallman LLP to speak to my health care professionals privately or to take testimony at deposition or trial as may be requested.

I have the right to revoke this authorization in writing by providing a signed, written notice of revocation to the health care provider listed above and to Kelly Hart & Hallman LLP, except to the extent that the provider listed above has taken action in reliance on this authorization. Medical providers may not condition treatment or payment on whether the above-listed patient executes this authorization. The information disclosed pursuant to this authorization may be subject to re-disclosure and no longer protected by the privacy regulations promulgated pursuant to HIPAA.

A photostatic copy hereof shall be as valid as the original.

 Date of Signature

 Signature

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DAVID SAMBRANO, DAVID	§	
CASTILLO, KIMBERLY HAMILTON,	§	
DEBRA JENNEFER THAL JONAS,	§	
GENISE KINCANNON, JARRAD RAINS,	§	
ALYSE MEDLIN, and CHARLES BURK,	§	
on their own behalf and on behalf of all	§	
others similarly situated,	§	Civil Action No.
	§	
Plaintiffs,	§	4:21-CV-01074-P
	§	
v.	§	
	§	
UNITED AIRLINES, INC.,	§	
	§	
Defendant.	§	

**DEFENDANT’S FIRST REQUESTS FOR PRODUCTION
TO PLAINTIFF DEBRA JENNEFER THAL JONAS**

TO: Plaintiff, Debra Jennefer Thal Jonas, by and through her attorneys of record, John C. Sullivan, and Austin Nimocks, SL Law, PLLC, 610 Uptown Blvd., Ste. 2000, Cedar Hill, Texas 75104; Mark R. Paoletta, Gene C. Schaerr, Brian J. Field, Kenneth A. Klukowski, Joshua James Prince, and Annika M. Boone, Schaerr Jaffe, LLP, 1717 K Street NW, Ste. 900, Washington, D.C. 20006.

Defendant United Airlines, Inc. (“United”), by and through its attorneys of record, and pursuant to Rule 34 of the Federal Rules of Civil Procedure, hereby requests that Plaintiff Debra Jennefer Thal Jonas (“Jonas” or “Plaintiff”) diligently and carefully search for, examine, inquire about and produce for inspection and copying the documents (as that term is hereinafter defined) requested below. Production is to be made as soon as possible, but not later than thirty (30) days following service of this Request for Production of Documents. Production is to be made at the Chicago office of Jones Day, 110 N. Wacker Dr., Ste. 4800, Chicago, IL 60606, with a copy to the office of Kelly Hart & Hallman LLP, 201 Main Street, Suite 2500, Fort Worth, Texas 76102.

INSTRUCTIONS

1. In producing the required documents and tangible things, furnish all information in your possession, custody or control, including information in the possession of your attorneys, investigators, auditors, accountants, physicians, psychiatrists, mental health professionals, or spouse, and all persons acting or purporting to act on your behalf, and not merely such documents in your possession.

2. If any document or tangible thing falling within any description contained in this Request is withheld under claim of privilege, Plaintiff shall serve upon Defendant's attorney a written list of the withheld documents, including the following information as to each such item: (a) its date; (b) the name(c) of the person(s) or other entity(ies) who drafted, authored or prepared it; (d) its title; (d) the general nature of the document (without disclosing its contents); (e) the name(s) of the person(s) or other entity(ies) to whom it was addressed; (f) the document's present location; (g) the name of each person or entity to whom the item or any copy or reproduction thereof was ever directed, addressed, sent, delivered, mailed, given or in any other manner disclosed; and (h) a statement providing the specific reasons the document or tangible item is withheld (i.e., which privilege is claimed).

3. The provisions of the Federal Rules of Civil Procedure regarding the supplementation of the responses to this Request shall apply hereto.

4. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff is instructed to produce the documents as they are kept in the usual course of business or the documents shall be organized and labeled to correspond with the categories in this Request. In addition, documents are to be produced in full and unexpurgated form; redacted documents will not constitute compliance with this Request.

5. If any document or tangible thing described in this request was, but no longer is, in Plaintiff's possession, or subject to her custody or control, or in existence, state whether:

- a. It is missing or lost;
- b. It has been destroyed;
- c. It has been transferred, voluntarily or involuntarily, to others; or
- d. It has been otherwise disposed of.

In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing the same, and the date(s) thereof. Identify each document by listing its author, the author's address, type of writing (e.g., letter, memorandum, telegram, chart, or photograph), date, subject matter, present location(s), and custodians(s), and state whether the document or copies thereof are still in existence.

6. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information or more complete answers and would avoid the requests herein being considered ambiguous, inaccurate or confusing.

7. These requests are not intended to require production of your attorneys' notes (unless they have been disclosed to a third party) or correspondence between you and your attorneys (unless such correspondence has been disclosed to a third party).

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

A. The term "person" shall mean and include a natural person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

B. The terms "you", "your" and "Plaintiff" refer to Plaintiff Debra Jennefer Thal Jonas and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff's behalf, including Plaintiff's attorneys, consultants, experts, investigators, agents or other persons acting on Plaintiff's behalf.

C. As used herein, "Defendant" and "United" refers to Defendant United Airlines, Inc.

D. The term "Lawsuit", means the lawsuit brought by David Sambrano, et al against United Airlines, Inc., currently pending in the Northern District of Texas, Cause No. 4:21-CV-01074-P.

E. The term "communication" is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, conversation, electronic data transmission or otherwise.

F. The term "document" is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries

of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

G. As used herein in requesting documents, the terms “relate(s)”, “refer(s)”, and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed.

H. As used herein, “Complaint” refers to the Original Complaint and all supplements and amendments to the Original Complaint filed by Plaintiff in this Lawsuit.

I. “And”, “or” and “and/or” shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete answers and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

J. The singular form of a word used herein shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete responses and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your religion.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your Disability.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all documents showing your efforts or efforts made on your behalf to obtain employment or self-employment other than with United from August 6, 2020 through time of trial, including, but not limited to, all resumes, job applications, letters, newspaper advertisements, agreements and correspondence with employment agencies or headhunters, notes, lists of potential employers contacted or visited, and all correspondence submitted, received, or made in connection with any search for employment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all communications with any health care providers regarding vaccines or immunizations since the age of 18 including but not limited to any records of vaccines or immunizations you have received.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce all documents describing any employment benefits, flight or travel benefits, medical coverage, retirement benefits and disability benefits that have been made available to you in connection with any employment since August 6, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Produce all summary plan descriptions for all employment benefits you were eligible to receive or have been provided since August 6, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Produce all communications with any religious or spiritual advisors regarding vaccines or immunizations since the age of 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Produce all documents upon which you rely to support your allegations of damages in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Produce all documents you have obtained by subpoena, deposition on written questions, federal or state open records requests, or authorization by you in connection with this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Produce all documents constituting, referring to, or pertaining to any allegations and/or complaints of discrimination that you made to Defendant during the course of your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Produce all documents constituting, concerning, or otherwise relating to any communication between any person(s) that is related to your employment with Defendant or any of the matters alleged in your Complaint and/or that contain recorded conversations with any present or former employee of Defendant. This includes any correspondence you received from or sent to Defendant regarding your separation of employment with Defendant. For each recording, please produce the original and any transcript made of the recording.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Produce all job descriptions and other documents that describe, concern, or relate to your job duties and responsibilities with Defendant during the course of your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Produce all communications sent to or received from the EEOC or Fair Employment Practice Agency or any other governmental agency, body, official, or tribunal, including but not limited to any State Attorney General's Office, from August 6, 2020 relating to United's COVID-19 vaccine policy, including but not limited to charges of discrimination, intake questionnaires, inquiries and other documents and communications.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Produce copies of your federal income tax returns from 2019 to the present, including all schedules and attachments thereto.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Produce all documents supporting or evidencing any claim you made against United for economic losses.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Produce all diaries, calendars, daily, weekly or monthly planners or daytimers, appointment books, notes, electronic mail, notebooks, journals or similar documents maintained by you since August 6, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Produce all video, oral, taped, electronically recorded, or written statement or conversation of any person made during your employment with Defendant or about your employment with Defendant or any of the matters alleged in the Lawsuit and/or that contain recorded conversations with any present or former employee of Defendant. For each recording or statement, also produce the original recording or statement and any transcripts made of the recording or statement.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Produce all text messages, email messages, voicemail messages, photographs, and any other tangible items or communications of any kind sent to or received from any person about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from August 6, 2020 through time of trial. This request does not seek communications sent solely to or from your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Produce all paystubs, check receipts or other documents showing payments made to you for work performed from January 1, 2021 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Produce all emails you forwarded from your United work e-mail address from August 6, 2021, to any personal email address.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Produce all W-2s for the last three (3) years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Produce any communications you sent to or received from with any religious or spiritual leaders about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Produce any communications sent to or received from any third party, other than United, about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through the time of trial. This request does not seek communications with your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: Produce all communications with Airline Employees 4 Health Freedom (AE4HF) members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25: Produce all communications with members of Congress and/or their staffs, including but not limited to U.S. Senators Ted Cruz, Roger Marshall, Rick Scott, Marsha Blackburn from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26: Produce all communications (written, video, audio) sent to or received from any news media about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27: Produce all vaccine or immunization records from any health care provider from whom you received any care, diagnosis or treatment since age 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: Produce all communications sent to or received from United about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, this Lawsuit itself, and/or your employment from June 2020 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: Produce all employment offers and/or employment rejection letters you received from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Produce all documents evidencing your application(s) for or receipt of unemployment benefits, if any, and all documents, if any, that you submitted to or received from any state, federal, or municipal agency related to unemployment benefits from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: Produce all documents, including correspondence, payroll check stubs, W-2 and 1099 forms, non-negotiable checks, checking and savings account deposit slips, money order receipts, invoices, receipts, applications or claims for benefits, determinations of eligibility for benefits and account statements that show any wages, benefits or other remuneration you received while you were on unpaid leave from United from any source, including employment compensation and benefits, disability benefits, workers' compensation benefits, social security benefits, unemployment compensation and self-employment compensation and benefits.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: If you contend that you have a medical condition that should exempt you from receipt of the COVID-19 vaccine, produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for the medical condition that should exempt you from the vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: Produce a signed and executed copy of the Authorization to Release Protected Health Care Information attached as Exhibit A.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: Produce all records reflecting any contributions to any religious organizations you have made in the last ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: Produce copies of any joint defense agreement you have with any other person, entity or party from August 6, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 36: Produce copies of all agreements where any person or entity agreed to indemnify you, pay your attorney's fees or advance you fees or costs to prosecute this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 37: Produce all Form 1099-G's showing the amount of any unemployment compensation paid to you from January 1, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: Produce all documents you reviewed regarding vaccinations and immunizations prior to submitted your request to United for exemption from receiving the COVID-19 vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39: Produce a copy of your Instagram account activity including comments, likes, messages and deleted items from August 6, 2021 to present for any Instagram account you have used. To download your activity, log into each Instagram account, select "Settings"; "Privacy and Security"; "Download Data" and request a download link of your activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 40: Produce a copy of your Facebook account activity, including comments, likes, messages and deleted items from August 6, 2021 to present for any Facebook account you have used. To download your activity, log into each Facebook account click the upside down triangle in the top right of Facebook. Select Settings & Privacy. In the left column, click Your Facebook Information. Next to Download Your Information, click View and follow the instructions from there.

RESPONSE:

REQUEST FOR PRODUCTION NO. 41: Produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for any Disability. Disability has the same meaning as used in the Americans with Disabilities Act and means a physical or mental impairment that substantially limits a major life activity; a record of a physical or mental impairment that substantially limits a major life activity; or being regarded or perceived as having physical or mental impairment that substantially limits a major life activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 42: If you seek to recover attorneys' fees in this suit, produce the contract or representation arrangement between you and your attorneys, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 43: If you seek to recover attorneys' fees in this suit, produce any agreement between you, your attorneys, and any third party, including but not limited to Liberty Counsel, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

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RESPONSE:

REQUEST FOR PRODUCTION NO. 45: If you seek to recover attorneys' fees in this Lawsuit, produce any timesheets billing logs, billing statements or other documents that reflect the time spent working or billing by your attorney(s) on this Lawsuit from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 46: Produce all documents showing you were subject to harassment or a hostile work environment including, but not limited to, complaints, reports, or communications describing the harassment.

RESPONSE:

Respectfully submitted,

/s/ Russell D. Cawyer

Donald J. Munro
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(817) 335-2820 (facsimile)
Email: taylor.winn@kellyhart.com

**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

John C. Sullivan
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jprince@schaerr-jaffe.com
aboone@schaerr-jaffe.com

/s/ Russell D. Cawyer
Russell D. Cawyer

EXHIBIT "A"**AUTHORIZATION TO RELEASE PROTECTED HEALTH CARE INFORMATION**

RE: Patient: Debra Jennefer Thal Jonas
DOB: _____
Social Security No.: _____
TO: _____ [Health Care Provider]
 _____ [Address]
 _____ [City, State, Zip Code]

Pursuant to the Health Insurance Portability and Accountability Act ("HIPAA") Privacy Regulations, 45 CFR § 164.508, the provider listed above is hereby authorized to release to Kelly Hart & Hallman LLP, or any of its representatives, all health information and medical records, including but not limited to: history/physical exam, past/present medications, lab results, physician's orders, patient allergies, operation reports, consultant reports, progress notes, discharge summary, diagnostic test reports, EKG/cardiology reports, pathology reports, radiology reports and images, office notes, nurses' notes, emergency room records, in-patient records, MRIs or PET scans, pharmacy and drug records, billing information, health insurance claim records, Medicaid, or Medicare records, mental health/psychiatric records, drug, alcohol, or substance abuse records (including drug testing result and chain of custody documents), HIV/AIDS test results/treatment, genetic information (including genetic test results) concerning any medical treatment that I have received from you, at your institution, as well as all such records which you keep in the regular course of business and which are found in my medical records file.

The purpose of this authorization and request is to permit the attorneys of Kelly Hart & Hallman LLP to obtain ALL medical information pertaining to my physical or mental condition. This authorization expires three (3) years from the date of the signature. The aforementioned expiration date has not passed, as this matter is ongoing.

I hereby authorize the attorneys of Kelly Hart & Hallman LLP to speak to my health care professionals privately or to take testimony at deposition or trial as may be requested.

I have the right to revoke this authorization in writing by providing a signed, written notice of revocation to the health care provider listed above and to Kelly Hart & Hallman LLP, except to the extent that the provider listed above has taken action in reliance on this authorization. Medical providers may not condition treatment or payment on whether the above-listed patient executes this authorization. The information disclosed pursuant to this authorization may be subject to re-disclosure and no longer protected by the privacy regulations promulgated pursuant to HIPAA.

A photostatic copy hereof shall be as valid as the original.

 Date of Signature

 Signature

DAVID SAMBRANO, DAVID	§	
CASTILLO, KIMBERLY HAMILTON,	§	
DEBRA JENNEFER THAL JONAS,	§	
GENISE KINCANNON, and SETH	§	
TURNBOUGH, on their own behalf and on	§	
behalf of all others similarly situated,	§	
	§	
Plaintiffs,	§	Civil Action No.
	§	
v.	§	4:21-CV-01074-P
	§	
UNITED AIRLINES, INC.,	§	
	§	
Defendant.	§	

TO: Plaintiff, Genise Kincannon, by and through her attorneys of record, John C. Sullivan, and Austin Nimocks, SL Law, PLLC, 610 Uptown Blvd., Ste. 2000, Cedar Hill, Texas 75104; Mark R. Paoletta, Gene C. Schaerr, Brian J. Field, Kenneth A. Klukowski, Joshua James Prince, and Annika M. Boone, Schaerr Jaffe, LLP, 1717 K Street NW, Ste. 900, Washington, D.C. 20006.

APP. 76

INSTRUCTIONS

1. In producing the required documents and tangible things, furnish all information in your possession, custody or control, including information in the possession of your attorneys, investigators, auditors, accountants, physicians, psychiatrists, mental health professionals, or spouse, and all persons acting or purporting to act on your behalf, and not merely such documents in your possession.

2. If any document or tangible thing falling within any description contained in this Request is withheld under claim of privilege, Plaintiff shall serve upon Defendant's attorney a written list of the withheld documents, including the following information as to each such item: (a) its date; (b) the name(c) of the person(s) or other entity(ies) who drafted, authored or prepared it; (d) its title; (d) the general nature of the document (without disclosing its contents); (e) the name(s) of the person(s) or other entity(ies) to whom it was addressed; (f) the document's present location; (g) the name of each person or entity to whom the item or any copy or reproduction thereof was ever directed, addressed, sent, delivered, mailed, given or in any other manner disclosed; and (h) a statement providing the specific reasons the document or tangible item is withheld (i.e., which privilege is claimed).

3. The provisions of the Federal Rules of Civil Procedure regarding the supplementation of the responses to this Request shall apply hereto.

4. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff is instructed to produce the documents as they are kept in the usual course of business or the documents shall be organized and labeled to correspond with the categories in this Request. In addition, documents are to be produced in full and unexpurgated form; redacted documents will not constitute compliance with this Request.

5. If any document or tangible thing described in this request was, but no longer is, in Plaintiff's possession, or subject to her custody or control, or in existence, state whether:

- a. It is missing or lost;
- b. It has been destroyed;
- c. It has been transferred, voluntarily or involuntarily, to others; or
- d. It has been otherwise disposed of.

In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing the same, and the date(s) thereof. Identify each document by listing its author, the author's address, type of writing (e.g., letter, memorandum, telegram, chart, or photograph), date, subject matter, present location(s), and custodians(s), and state whether the document or copies thereof are still in existence.

6. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information or more complete answers and would avoid the requests herein being considered ambiguous, inaccurate or confusing.

7. These requests are not intended to require production of your attorneys' notes (unless they have been disclosed to a third party) or correspondence between you and your attorneys (unless such correspondence has been disclosed to a third party).

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

A. The term "person" shall mean and include a natural person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

B. The terms "you", "your" and "Plaintiff" refer to Plaintiff Genise Kincannon and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff's behalf, including Plaintiff's attorneys, consultants, experts, investigators, agents or other persons acting on Plaintiff's behalf.

C. As used herein, "Defendant" and "United" refers to Defendant United Airlines, Inc.

D. The term "Lawsuit", means the lawsuit brought by David Sambrano, et al against United Airlines, Inc., currently pending in the Northern District of Texas, Cause No. 4:21-CV-01074-P.

E. The term "communication" is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, conversation, electronic data transmission or otherwise.

F. The term "document" is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries

of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

G. As used herein in requesting documents, the terms “relate(s)”, “refer(s)”, and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed.

H. As used herein, “Complaint” refers to the Original Complaint and all supplements and amendments to the Original Complaint filed by Plaintiff in this Lawsuit.

I. “And”, “or” and “and/or” shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete answers and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

J. The singular form of a word used herein shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete responses and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your religion.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your Disability.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all documents showing your efforts or efforts made on your behalf to obtain employment or self-employment other than with United from August 6, 2020 through time of trial, including, but not limited to, all resumes, job applications, letters, newspaper advertisements, agreements and correspondence with employment agencies or headhunters, notes, lists of potential employers contacted or visited, and all correspondence submitted, received, or made in connection with any search for employment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all communications with any health care providers regarding vaccines or immunizations since the age of 18 including but not limited to any records of vaccines or immunizations you have received.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce all documents describing any employment benefits, flight or travel benefits, medical coverage, retirement benefits and disability benefits that have been made available to you in connection with any employment since August 6, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Produce all summary plan descriptions for all employment benefits you were eligible to receive or have been provided since August 6, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Produce all communications with any religious or spiritual advisors regarding vaccines or immunizations since the age of 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Produce all documents upon which you rely to support your allegations of damages in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Produce all documents you have obtained by subpoena, deposition on written questions, federal or state open records requests, or authorization by you in connection with this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Produce all documents constituting, referring to, or pertaining to any allegations and/or complaints of discrimination that you made to Defendant during the course of your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Produce all documents constituting, concerning, or otherwise relating to any communication between any person(s) that is related to your employment with Defendant or any of the matters alleged in your Complaint and/or that contain recorded conversations with any present or former employee of Defendant. This includes any correspondence you received from or sent to Defendant regarding your separation of employment with Defendant. For each recording, please produce the original and any transcript made of the recording.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Produce all job descriptions and other documents that describe, concern, or relate to your job duties and responsibilities with Defendant during the course of your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Produce all communications sent to or received from the EEOC or Fair Employment Practice Agency or any other governmental agency, body, official, or tribunal, including but not limited to any State Attorney General's Office, from August 6, 2020 relating to United's COVID-19 vaccine policy, including but not limited to charges of discrimination, intake questionnaires, inquiries and other documents and communications.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Produce copies of your federal income tax returns from 2019 to the present, including all schedules and attachments thereto.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Produce all documents supporting or evidencing any claim you made against United for economic losses.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Produce all diaries, calendars, daily, weekly or monthly planners or daytimers, appointment books, notes, electronic mail, notebooks, journals or similar documents maintained by you since August 6, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Produce all video, oral, taped, electronically recorded, or written statement or conversation of any person made during your employment with Defendant or about your employment with Defendant or any of the matters alleged in the Lawsuit and/or that contain recorded conversations with any present or former employee of Defendant. For each recording or statement, also produce the original recording or statement and any transcripts made of the recording or statement.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Produce all text messages, email messages, voicemail messages, photographs, and any other tangible items or communications of any kind sent to or received from any person about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from August 6, 2020 through time of trial. This request does not seek communications sent solely to or from your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Produce all paystubs, check receipts or other documents showing payments made to you for work performed from January 1, 2021 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Produce all emails you forwarded from your United work e-mail address from August 6, 2021, to any personal email address.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Produce all W-2s for the last three (3) years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Produce any communications you sent to or received from with any religious or spiritual leaders about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Produce any communications sent to or received from any third party, other than United, about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through the time of trial. This request does not seek communications with your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: Produce all communications with Airline Employees 4 Health Freedom (AE4HF) members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25: Produce all communications with members of Congress and/or their staffs, including but not limited to U.S. Senators Ted Cruz, Roger Marshall, Rick Scott, Marsha Blackburn from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26: Produce all communications (written, video, audio) sent to or received from any news media about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27: Produce all vaccine or immunization records from any health care provider from whom you received any care, diagnosis or treatment since age 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: Produce all communications sent to or received from United about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, this Lawsuit itself, and/or your employment from June 2020 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: Produce all employment offers and/or employment rejection letters you received from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Produce all documents evidencing your application(s) for or receipt of unemployment benefits, if any, and all documents, if any, that you submitted to or received from any state, federal, or municipal agency related to unemployment benefits from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: Produce all documents, including correspondence, payroll check stubs, W-2 and 1099 forms, non-negotiable checks, checking and savings account deposit slips, money order receipts, invoices, receipts, applications or claims for benefits, determinations of eligibility for benefits and account statements that show any wages, benefits or other remuneration you received while you were on unpaid leave from United from any source, including employment compensation and benefits, disability benefits, workers' compensation benefits, social security benefits, unemployment compensation and self-employment compensation and benefits.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: If you contend that you have a medical condition that should exempt you from receipt of the COVID-19 vaccine, produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for the medical condition that should exempt you from the vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: Produce a signed and executed copy of the Authorization to Release Protected Health Care Information attached as Exhibit A.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: Produce all records reflecting any contributions to any religious organizations you have made in the last ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: Produce copies of any joint defense agreement you have with any other person, entity or party from August 6, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 36: Produce copies of all agreements where any person or entity agreed to indemnify you, pay your attorney's fees or advance you fees or costs to prosecute this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 37: Produce all Form 1099-G's showing the amount of any unemployment compensation paid to you from January 1, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: Produce all documents you reviewed regarding vaccinations and immunizations prior to submitted your request to United for exemption from receiving the COVID-19 vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39: Produce a copy of your Instagram account activity including comments, likes, messages and deleted items from August 6, 2021 to present for any Instagram account you have used. To download your activity, log into each Instagram account, select "Settings"; "Privacy and Security"; "Download Data" and request a download link of your activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 40: Produce a copy of your Facebook account activity, including comments, likes, messages and deleted items from August 6, 2021 to present for any Facebook account you have used. To download your activity, log into each Facebook account click the upside down triangle in the top right of Facebook. Select Settings & Privacy. In the left column, click Your Facebook Information. Next to Download Your Information, click View and follow the instructions from there.

RESPONSE:

REQUEST FOR PRODUCTION NO. 41: Produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for any Disability. Disability has the same meaning as used in the Americans with Disabilities Act and means a physical or mental impairment that substantially limits a major life activity; a record of a physical or mental impairment that substantially limits a major life activity; or being regarded or perceived as having physical or mental impairment that substantially limits a major life activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 42: If you seek to recover attorneys' fees in this suit, produce the contract or representation arrangement between you and your attorneys, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 43: If you seek to recover attorneys' fees in this suit, produce any agreement between you, your attorneys, and any third party, including but not limited to Liberty Counsel, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 44: If you seek to recover attorneys' fees in this Lawsuit, produce all invoices from or payments to any attorney(s) you have hired or consulted in connection with the subject matter of this Lawsuit dated, created or generated from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 45: If you seek to recover attorneys' fees in this Lawsuit, produce any timesheets billing logs, billing statements or other documents that reflect the time spent working or billing by your attorney(s) on this Lawsuit from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 46: Produce all documents showing you were subject to harassment or a hostile work environment including, but not limited to, complaints, reports, or communications describing the harassment.

RESPONSE:

Respectfully submitted,

/s/ Russell D. Cawyer

Donald J. Munro
D.C. Bar No. 453600
JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001
Telephone: (202) 879-3939
Facsimile: (202) 626-1700
Email: dmunro@jonesday.com

Russell D. Cawyer
State Bar No. 00793482
KELLY HART & HALLMAN LLP
201 Main St., Ste. 2500
Fort Worth, Texas 76102
(817) 878-3562 (telephone)
(817) 335-2820 (facsimile)
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Jordan M. Matthews
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77 W. Wacker Drive, Suite 3500
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Taylor J. Winn
State Bar No. 24115960
KELLY HART & HALLMAN LLP
201 Main St., Ste. 2500
Fort Worth, Texas 76102
(817) 878-9366 (telephone)
(817) 335-2820 (facsimile)
Email: taylor.winn@kellyhart.com

**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

John C. Sullivan
Austin Nimocks
SL Law, PLLC
610 Uptown Blvd., Ste. 2000
Cedar Hill, Texas 75104
john.sullivan@the-sl-lawfirm.com
austin.nimocks@the-sl-lawfirm.com

Mark R. Paoletta
Gene C. Schaerr
Brian J. Field
Kenneth A. Klukowski
Joshua James Prince
Annika M. Boone
Schaerr Jaffe, LLP
1717 K Street NW, Ste. 900
Washington, D.C. 20006
mpaoletta@schaerr-jaffe.com
gschaerr@schaerr-jaffe.com
bfield@schaerr-jaffe.com
kklukowski@schaerr-jaffe.com
jprince@schaerr-jaffe.com
aboone@schaerr-jaffe.com

/s/ Russell D. Cawyer
Russell D. Cawyer

EXHIBIT "A"**AUTHORIZATION TO RELEASE PROTECTED HEALTH CARE INFORMATION**

RE: Patient: Genise Kincannon
DOB: _____
Social Security No.: _____
TO: _____ [Health Care Provider]
 _____ [Address]
 _____ [City, State, Zip Code]

Pursuant to the Health Insurance Portability and Accountability Act ("HIPAA") Privacy Regulations, 45 CFR § 164.508, the provider listed above is hereby authorized to release to Kelly Hart & Hallman LLP, or any of its representatives, all health information and medical records, including but not limited to: history/physical exam, past/present medications, lab results, physician's orders, patient allergies, operation reports, consultant reports, progress notes, discharge summary, diagnostic test reports, EKG/cardiology reports, pathology reports, radiology reports and images, office notes, nurses' notes, emergency room records, in-patient records, MRIs or PET scans, pharmacy and drug records, billing information, health insurance claim records, Medicaid, or Medicare records, mental health/psychiatric records, drug, alcohol, or substance abuse records (including drug testing result and chain of custody documents), HIV/AIDS test results/treatment, genetic information (including genetic test results) concerning any medical treatment that I have received from you, at your institution, as well as all such records which you keep in the regular course of business and which are found in my medical records file.

The purpose of this authorization and request is to permit the attorneys of Kelly Hart & Hallman LLP to obtain ALL medical information pertaining to my physical or mental condition. This authorization expires three (3) years from the date of the signature. The aforementioned expiration date has not passed, as this matter is ongoing.

I hereby authorize the attorneys of Kelly Hart & Hallman LLP to speak to my health care professionals privately or to take testimony at deposition or trial as may be requested.

I have the right to revoke this authorization in writing by providing a signed, written notice of revocation to the health care provider listed above and to Kelly Hart & Hallman LLP, except to the extent that the provider listed above has taken action in reliance on this authorization. Medical providers may not condition treatment or payment on whether the above-listed patient executes this authorization. The information disclosed pursuant to this authorization may be subject to re-disclosure and no longer protected by the privacy regulations promulgated pursuant to HIPAA.

A photostatic copy hereof shall be as valid as the original.

 Date of Signature

 Signature

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DAVID SAMBRANO, DAVID	§	
CASTILLO, KIMBERLY HAMILTON,	§	
DEBRA JENNEFER THAL JONAS,	§	
GENISE KINCANNON, JARRAD RAINS,	§	
ALYSE MEDLIN, and CHARLES BURK,	§	
on their own behalf and on behalf of all	§	
others similarly situated,	§	Civil Action No.
	§	
Plaintiffs,	§	4:21-CV-01074-P
	§	
v.	§	
	§	
UNITED AIRLINES, INC.,	§	
	§	
Defendant.	§	
	§	

**DEFENDANT'S FIRST REQUESTS FOR PRODUCTION
TO PLAINTIFF JARRAD RAINS**

TO: Plaintiff, Jarrad Rains, by and through his attorneys of record, John C. Sullivan and Austin Nimocks, SL Law, PLLC, 610 Uptown Blvd., Ste. 2000, Cedar Hill, Texas 75104; Mark R. Paoletta, Gene C. Schaerr, Brian J. Field, Kenneth A. Klukowski, Joshua James Prince, and Annika M. Boone, Schaerr Jaffe, LLP, 1717 K Street NW, Ste. 900, Washington, D.C. 20006.

Defendant United Airlines, Inc. (“United”), by and through its attorneys of record, and pursuant to Rule 34 of the Federal Rules of Civil Procedure, hereby requests that Plaintiff Jarrad Rains (“Rains” or “Plaintiff”) diligently and carefully search for, examine, inquire about and produce for inspection and copying the documents (as that term is hereinafter defined) requested below. Production is to be made as soon as possible, but not later than thirty (30) days following service of this Request for Production of Documents. Production is to be made at the Chicago office of Jones Day, 110 N. Wacker Dr., Ste. 4800, Chicago, IL 60606, with a copy to the office of Kelly Hart & Hallman LLP, 201 Main Street, Suite 2500, Fort Worth, Texas 76102.

INSTRUCTIONS

1. In producing the required documents and tangible things, furnish all information in your possession, custody or control, including information in the possession of your attorneys, investigators, auditors, accountants, physicians, psychiatrists, mental health professionals, or spouse, and all persons acting or purporting to act on your behalf, and not merely such documents in your possession.

2. If any document or tangible thing falling within any description contained in this Request is withheld under claim of privilege, Plaintiff shall serve upon Defendant's attorney a written list of the withheld documents, including the following information as to each such item: (a) its date; (b) the name(c) of the person(s) or other entity(ies) who drafted, authored or prepared it; (d) its title; (d) the general nature of the document (without disclosing its contents); (e) the name(s) of the person(s) or other entity(ies) to whom it was addressed; (f) the document's present location; (g) the name of each person or entity to whom the item or any copy or reproduction thereof was ever directed, addressed, sent, delivered, mailed, given or in any other manner disclosed; and (h) a statement providing the specific reasons the document or tangible item is withheld (i.e., which privilege is claimed).

3. The provisions of the Federal Rules of Civil Procedure regarding the supplementation of the responses to this Request shall apply hereto.

4. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff is instructed to produce the documents as they are kept in the usual course of business or the documents shall be organized and labeled to correspond with the categories in this Request. In addition, documents are to be produced in full and unexpurgated form; redacted documents will not constitute compliance with this Request.

5. If any document or tangible thing described in this request was, but no longer is, in Plaintiff's possession, or subject to his custody or control, or in existence, state whether:

- a. It is missing or lost;
- b. It has been destroyed;
- c. It has been transferred, voluntarily or involuntarily, to others; or
- d. It has been otherwise disposed of.

In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing the same, and the date(s) thereof. Identify each document by listing its author, the author's address, type of writing (e.g., letter, memorandum, telegram, chart, or photograph), date, subject matter, present location(s), and custodians(s), and state whether the document or copies thereof are still in existence.

6. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information or more complete answers and would avoid the requests herein being considered ambiguous, inaccurate or confusing.

7. These requests are not intended to require production of your attorneys' notes (unless they have been disclosed to a third party) or correspondence between you and your attorneys (unless such correspondence has been disclosed to a third party).

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

A. The term "person" shall mean and include a natural person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

B. The terms "you", "your" and "Plaintiff" refer to Plaintiff Jarrad Rains and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff's behalf, including Plaintiff's attorneys, consultants, experts, investigators, agents or other persons acting on Plaintiff's behalf.

C. As used herein, "Defendant" and "United" refers to Defendant United Airlines, Inc.

D. The term "Lawsuit", means the lawsuit brought by David Sambrano, et al against United Airlines, Inc., currently pending in the Northern District of Texas, Cause No. 4:21-CV-01074-P.

E. The term "communication" is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, conversation, electronic data transmission or otherwise.

F. The term "document" is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries

of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

G. As used herein in requesting documents, the terms “relate(s)”, “refer(s)”, and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed.

H. As used herein, “Complaint” refers to the Original Complaint and all supplements and amendments to the Original Complaint filed by Plaintiff in this Lawsuit.

I. “And”, “or” and “and/or” shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete answers and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

J. The singular form of a word used herein shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete responses and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your religion.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your Disability.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all documents showing your efforts or efforts made on your behalf to obtain employment or self-employment other than with United from August 6, 2020 through time of trial, including, but not limited to, all resumes, job applications, letters, newspaper advertisements, agreements and correspondence with employment agencies or headhunters, notes, lists of potential employers contacted or visited, and all correspondence submitted, received, or made in connection with any search for employment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all communications with any health care providers regarding vaccines or immunizations since the age of 18 including but not limited to any records of vaccines or immunizations you have received.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce all documents describing any employment benefits, flight or travel benefits, medical coverage, retirement benefits and disability benefits that have been made available to you in connection with any employment since August 6, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Produce all summary plan descriptions for all employment benefits you were eligible to receive or have been provided since August 6, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Produce all communications with any religious or spiritual advisors regarding vaccines or immunizations since the age of 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Produce all documents upon which you rely to support your allegations of damages in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Produce all documents you have obtained by subpoena, deposition on written questions, federal or state open records requests, or authorization by you in connection with this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Produce all documents constituting, referring to, or pertaining to any allegations and/or complaints of discrimination that you made to Defendant during the course of your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Produce all documents constituting, concerning, or otherwise relating to any communication between any person(s) that is related to your employment with Defendant or any of the matters alleged in your Complaint and/or that contain recorded conversations with any present or former employee of Defendant. This includes any correspondence you received from or sent to Defendant regarding your separation of employment with Defendant. For each recording, please produce the original and any transcript made of the recording.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Produce all job descriptions and other documents that describe, concern, or relate to your job duties and responsibilities with Defendant during the course of your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Produce all communications sent to or received from the EEOC or Fair Employment Practice Agency or any other governmental agency, body, official, or tribunal, including but not limited to any State Attorney General's Office, from August 6, 2020 relating to United's COVID-19 vaccine policy, including but not limited to charges of discrimination, intake questionnaires, inquiries and other documents and communications.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Produce copies of your federal income tax returns from 2019 to the present, including all schedules and attachments thereto.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Produce all documents supporting or evidencing any claim you made against United for economic losses.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Produce all diaries, calendars, daily, weekly or monthly planners or daytimers, appointment books, notes, electronic mail, notebooks, journals or similar documents maintained by you since August 6, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Produce all video, oral, taped, electronically recorded, or written statement or conversation of any person made during your employment with Defendant or about your employment with Defendant or any of the matters alleged in the Lawsuit and/or that contain recorded conversations with any present or former employee of Defendant. For each recording or statement, also produce the original recording or statement and any transcripts made of the recording or statement.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Produce all text messages, email messages, voicemail messages, photographs, and any other tangible items or communications of any kind sent to or received from any person about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from August 6, 2020 through time of trial. This request does not seek communications sent solely to or from your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Produce all paystubs, check receipts or other documents showing payments made to you for work performed from January 1, 2021 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Produce all emails you forwarded from your United work e-mail address from August 6, 2021, to any personal email address.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Produce all W-2s for the last three (3) years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Produce any communications you sent to or received from with any religious or spiritual leaders about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Produce any communications sent to or received from any third party, other than United, about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through the time of trial. This request does not seek communications with your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: Produce all communications with Airline Employees 4 Health Freedom (AE4HF) members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25: Produce all communications with members of Congress and/or their staffs, including but not limited to U.S. Senators Ted Cruz, Roger Marshall, Rick Scott, Marsha Blackburn from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26: Produce all communications (written, video, audio) sent to or received from any news media about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27: Produce all vaccine or immunization records from any health care provider from whom you received any care, diagnosis or treatment since age 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: Produce all communications sent to or received from United about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, this Lawsuit itself, and/or your employment from June 2020 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: Produce all employment offers and/or employment rejection letters you received from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Produce all documents evidencing your application(s) for or receipt of unemployment benefits, if any, and all documents, if any, that you submitted to or received from any state, federal, or municipal agency related to unemployment benefits from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: Produce all documents, including correspondence, payroll check stubs, W-2 and 1099 forms, non-negotiable checks, checking and savings account deposit slips, money order receipts, invoices, receipts, applications or claims for benefits, determinations of eligibility for benefits and account statements that show any wages, benefits or other remuneration you received while you were on unpaid leave from United from any source, including employment compensation and benefits, disability benefits, workers' compensation benefits, social security benefits, unemployment compensation and self-employment compensation and benefits.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: If you contend that you have a medical condition that should exempt you from receipt of the COVID-19 vaccine, produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for the medical condition that should exempt you from the vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: Produce a signed and executed copy of the Authorization to Release Protected Health Care Information attached as Exhibit A.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: Produce all records reflecting any contributions to any religious organizations you have made in the last ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: Produce copies of any joint defense agreement you have with any other person, entity or party from August 6, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 36: Produce copies of all agreements where any person or entity agreed to indemnify you, pay your attorney's fees or advance you fees or costs to prosecute this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 37: Produce all Form 1099-G's showing the amount of any unemployment compensation paid to you from January 1, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: Produce all documents you reviewed regarding vaccinations and immunizations prior to submitted your request to United for exemption from receiving the COVID-19 vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39: Produce a copy of your Instagram account activity including comments, likes, messages and deleted items from August 6, 2021 to present for any Instagram account you have used. To download your activity, log into each Instagram account, select "Settings"; "Privacy and Security"; "Download Data" and request a download link of your activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 40: Produce a copy of your Facebook account activity, including comments, likes, messages and deleted items from August 6, 2021 to present for any Facebook account you have used. To download your activity, log into each Facebook account click the upside down triangle in the top right of Facebook. Select Settings & Privacy. In the left column, click Your Facebook Information. Next to Download Your Information, click View and follow the instructions from there.

RESPONSE:

REQUEST FOR PRODUCTION NO. 41: Produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for any Disability. Disability has the same meaning as used in the Americans with Disabilities Act and means a physical or mental impairment that substantially limits a major life activity; a record of a physical or mental impairment that substantially limits a major life activity; or being regarded or perceived as having physical or mental impairment that substantially limits a major life activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 42: If you seek to recover attorneys' fees in this suit, produce the contract or representation arrangement between you and your attorneys, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 43: If you seek to recover attorneys' fees in this suit, produce any agreement between you, your attorneys, and any third party, including but not limited to Liberty Counsel, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 44: If you seek to recover attorneys' fees in this Lawsuit, produce all invoices from or payments to any attorney(s) you have hired or consulted in connection with the subject matter of this Lawsuit dated, created or generated from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 45: If you seek to recover attorneys' fees in this Lawsuit, produce any timesheets billing logs, billing statements or other documents that reflect the time spent working or billing by your attorney(s) on this Lawsuit from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 46: Produce all documents showing you were subject to harassment or a hostile work environment including, but not limited to, complaints, reports, or communications describing the harassment.

RESPONSE:

Respectfully submitted,

/s/ Russell D. Cawyer

Donald J. Munro
D.C. Bar No. 453600
JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001
Telephone: (202) 879-3939
Facsimile: (202) 626-1700
Email: dmunro@jonesday.com

Russell D. Cawyer
State Bar No. 00793482
KELLY HART & HALLMAN LLP
201 Main St., Ste. 2500
Fort Worth, Texas 76102
(817) 878-3562 (telephone)
(817) 335-2820 (facsimile)
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Jordan M. Matthews
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JONES DAY
77 W. Wacker Drive, Suite 3500
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585
Email: jmatthews@jonesday.com

Alexander V. Maugeri
NY Bar No. 5062666
JONES DAY
250 Vesey Street
New York, NY 10281-1047
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Facsimile: (212) 755-7306
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Taylor J. Winn
State Bar No. 24115960
KELLY HART & HALLMAN LLP
201 Main St., Ste. 2500
Fort Worth, Texas 76102
(817) 878-9366 (telephone)
(817) 335-2820 (facsimile)
Email: taylor.winn@kellyhart.com

**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

John C. Sullivan
Austin Nimocks
SL Law, PLLC
610 Uptown Blvd., Ste. 2000
Cedar Hill, Texas 75104
john.sullivan@the-sl-lawfirm.com
austin.nimocks@the-sl-lawfirm.com

Mark R. Paoletta
Gene C. Schaerr
Brian J. Field
Kenneth A. Klukowski
Joshua James Prince
Annika M. Boone
Schaerr Jaffe, LLP
1717 K Street NW, Ste. 900
Washington, D.C. 20006
mpaoletta@schaerr-jaffe.com
gschaerr@schaerr-jaffe.com
bfield@schaerr-jaffe.com
kklukowski@schaerr-jaffe.com
jprince@schaerr-jaffe.com
aboone@schaerr-jaffe.com

/s/ Russell D. Cawyer
Russell D. Cawyer

EXHIBIT "A"**AUTHORIZATION TO RELEASE PROTECTED HEALTH CARE INFORMATION**

RE: Patient: Jarrad Rains
DOB: _____
Social Security No.: _____
TO: _____ [Health Care Provider]
 _____ [Address]
 _____ [City, State, Zip Code]

Pursuant to the Health Insurance Portability and Accountability Act ("HIPAA") Privacy Regulations, 45 CFR § 164.508, the provider listed above is hereby authorized to release to Kelly Hart & Hallman LLP, or any of its representatives, all health information and medical records, including but not limited to: history/physical exam, past/present medications, lab results, physician's orders, patient allergies, operation reports, consultant reports, progress notes, discharge summary, diagnostic test reports, EKG/cardiology reports, pathology reports, radiology reports and images, office notes, nurses' notes, emergency room records, in-patient records, MRIs or PET scans, pharmacy and drug records, billing information, health insurance claim records, Medicaid, or Medicare records, mental health/psychiatric records, drug, alcohol, or substance abuse records (including drug testing result and chain of custody documents), HIV/AIDS test results/treatment, genetic information (including genetic test results) concerning any medical treatment that I have received from you, at your institution, as well as all such records which you keep in the regular course of business and which are found in my medical records file.

The purpose of this authorization and request is to permit the attorneys of Kelly Hart & Hallman LLP to obtain ALL medical information pertaining to my physical or mental condition. This authorization expires three (3) years from the date of the signature. The aforementioned expiration date has not passed, as this matter is ongoing.

I hereby authorize the attorneys of Kelly Hart & Hallman LLP to speak to my health care professionals privately or to take testimony at deposition or trial as may be requested.

I have the right to revoke this authorization in writing by providing a signed, written notice of revocation to the health care provider listed above and to Kelly Hart & Hallman LLP, except to the extent that the provider listed above has taken action in reliance on this authorization. Medical providers may not condition treatment or payment on whether the above-listed patient executes this authorization. The information disclosed pursuant to this authorization may be subject to re-disclosure and no longer protected by the privacy regulations promulgated pursuant to HIPAA.

A photostatic copy hereof shall be as valid as the original.

 Date of Signature

 Signature

DAVID SAMBRANO, DAVID	§	
CASTILLO, KIMBERLY HAMILTON,	§	
DEBRA JENNEFER THAL JONAS,	§	
GENISE KINCANNON, JARRAD	§	
RAINS, ALYSE MEDLIN, and CHARLES	§	
BURK, on their own behalf and on behalf	§	
of all others similarly situated,	§	Civil Action No.
	§	
Plaintiffs,	§	4:21-CV-01074-P
	§	
v.	§	
	§	
UNITED AIRLINES, INC.,	§	
	§	
Defendant.	§	
	§	

TO: Plaintiff, Kimberly Hamilton, by and through her attorneys of record, John C. Sullivan, and Austin Nimocks, SL Law, PLLC, 610 Uptown Blvd., Ste. 2000, Cedar Hill, Texas 75104; Mark R. Paoletta, Gene C. Schaerr, Brian J. Field, Kenneth A. Klukowski, Joshua James Prince, and Annika M. Boone, Schaerr Jaffe, LLP, 1717 K Street NW, Ste. 900, Washington, D.C. 20006.

APP. 106

a copy to the office of Kelly Hart & Hallman LLP, 201 Main Street, Suite 2500, Fort Worth, Texas 76102.

INSTRUCTIONS

1. In producing the required documents and tangible things, furnish all information in your possession, custody or control, including information in the possession of your attorneys, investigators, auditors, accountants, physicians, psychiatrists, mental health professionals, or spouse, and all persons acting or purporting to act on your behalf, and not merely such documents in your possession.

2. If any document or tangible thing falling within any description contained in this Request is withheld under claim of privilege, Plaintiff shall serve upon Defendant's attorney a written list of the withheld documents, including the following information as to each such item: (a) its date; (b) the name(c) of the person(s) or other entity(ies) who drafted, authored or prepared it; (d) its title; (d) the general nature of the document (without disclosing its contents); (e) the name(s) of the person(s) or other entity(ies) to whom it was addressed; (f) the document's present location; (g) the name of each person or entity to whom the item or any copy or reproduction thereof was ever directed, addressed, sent, delivered, mailed, given or in any other manner disclosed; and (h) a statement providing the specific reasons the document or tangible item is withheld (i.e., which privilege is claimed).

3. The provisions of the Federal Rules of Civil Procedure regarding the supplementation of the responses to this Request shall apply hereto.

4. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff is instructed to produce the documents as they are kept in the usual course of business or the documents shall be organized and labeled to correspond with the categories in this Request. In addition, documents are to be produced in full and unexpurgated form; redacted documents will not constitute compliance with this Request.

5. If any document or tangible thing described in this request was, but no longer is, in Plaintiff's possession, or subject to her custody or control, or in existence, state whether:

- a. It is missing or lost;
- b. It has been destroyed;
- c. It has been transferred, voluntarily or involuntarily, to others; or
- d. It has been otherwise disposed of.

In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing the same, and the date(s) thereof. Identify each document by listing its author, the author's address, type of writing (e.g., letter, memorandum, telegram, chart, or photograph), date, subject matter, present location(s), and custodians(s), and state whether the document or copies thereof are still in existence.

6. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information or more complete answers and would avoid the requests herein being considered ambiguous, inaccurate or confusing.

7. These requests are not intended to require production of your attorneys' notes (unless they have been disclosed to a third party) or correspondence between you and your attorneys (unless such correspondence has been disclosed to a third party).

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

A. The term "person" shall mean and include a natural person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

B. The terms "you", "your" and "Plaintiff" refer to Plaintiff Kimberly Hamilton and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff's behalf, including Plaintiff's attorneys, consultants, experts, investigators, agents or other persons acting on Plaintiff's behalf.

C. As used herein, "Defendant" and "United" refers to Defendant United Airlines, Inc.

D. The term "Lawsuit", means the lawsuit brought by David Sambrano, et al against United Airlines, Inc., currently pending in the Northern District of Texas, Cause No. 4:21-CV-01074-P.

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F. The term "document" is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing

information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

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RESPONSE:

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RESPONSE:

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RESPONSE:

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RESPONSE:

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RESPONSE:

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RESPONSE:

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REQUEST FOR PRODUCTION NO. 17: Produce all video, oral, taped, electronically recorded, or written statement or conversation of any person made during your employment with Defendant or about your employment with Defendant or any of the matters alleged in the Lawsuit and/or that contain recorded conversations with any present or former employee of Defendant. For each recording or statement, also produce the original recording or statement and any transcripts made of the recording or statement.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Produce all text messages, email messages, voicemail messages, photographs, and any other tangible items or communications of any kind sent to or received from any person about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from August 6, 2020 through time of trial. This request does not seek communications sent solely to or from your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Produce all paystubs, check receipts or other documents showing payments made to you for work performed from January 1, 2021 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Produce all emails you forwarded from your United work e-mail address from August 6, 2021, to any personal email address.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Produce all W-2s for the last three (3) years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Produce any communications you sent to or received from with any religious or spiritual leaders about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Produce any communications sent to or received from any third party, other than United, about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through the time of trial. This request does not seek communications with your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: Produce all communications with Airline Employees 4 Health Freedom (AE4HF) members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25: Produce all communications with members of Congress and/or their staffs, including but not limited to U.S. Senators Ted Cruz, Roger Marshall, Rick Scott, Marsha Blackburn from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26: Produce all communications (written, video, audio) sent to or received from any news media about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27: Produce all vaccine or immunization records from any health care provider from whom you received any care, diagnosis or treatment since age 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: Produce all communications sent to or received from United about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, this Lawsuit itself, and/or your employment from June 2020 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: Produce all employment offers and/or employment rejection letters you received from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Produce all documents evidencing your application(s) for or receipt of unemployment benefits, if any, and all documents, if any, that you submitted to or received from any state, federal, or municipal agency related to unemployment benefits from August 6, 2020 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: Produce all documents, including correspondence, payroll check stubs, W-2 and 1099 forms, non-negotiable checks, checking and savings account deposit slips, money order receipts, invoices, receipts, applications or claims for benefits, determinations of eligibility for benefits and account statements that show any wages, benefits or other remuneration you received while you were on unpaid leave from United from any source, including employment compensation and benefits, disability benefits, workers' compensation benefits, social security benefits, unemployment compensation and self-employment compensation and benefits.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: If you contend that you have a medical condition that should exempt you from receipt of the COVID-19 vaccine, produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for the medical condition that should exempt you from the vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: Produce a signed and executed copy of the Authorization to Release Protected Health Care Information attached as Exhibit A.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: Produce all records reflecting any contributions to any religious organizations you have made in the last ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: Produce copies of any joint defense agreement you have with any other person, entity or party from August 6, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 36: Produce copies of all agreements where any person or entity agreed to indemnify you, pay your attorney's fees or advance you fees or costs to prosecute this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 37: Produce all Form 1099-G's showing the amount of any unemployment compensation paid to you from January 1, 2021 through time of trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: Produce all documents you reviewed regarding vaccinations and immunizations prior to submitted your request to United for exemption from receiving the COVID-19 vaccine.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39: Produce a copy of your Instagram account activity including comments, likes, messages and deleted items from August 6, 2021 to present for any Instagram account you have used. To download your activity, log into each Instagram account, select "Settings"; "Privacy and Security"; "Download Data" and request a download link of your activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 40: Produce a copy of your Facebook account activity, including comments, likes, messages and deleted items from August 6, 2021 to present for any Facebook account you have used. To download your activity, log into each Facebook account click the upside down triangle in the top right of Facebook. Select Settings & Privacy. In the left column, click Your Facebook Information. Next to Download Your Information, click View and follow the instructions from there.

RESPONSE:

REQUEST FOR PRODUCTION NO. 41: Produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for any Disability. Disability has the same meaning as used in the Americans with Disabilities Act and means a physical or mental impairment that substantially limits a major life activity; a record of a physical or mental impairment that substantially limits a major life activity; or being regarded or perceived as having physical or mental impairment that substantially limits a major life activity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 42: If you seek to recover attorneys' fees in this suit, produce the contract or representation arrangement between you and your attorneys, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 43: If you seek to recover attorneys' fees in this suit, produce any agreement between you, your attorneys, and any third party, including but not limited to Liberty Counsel, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 44: If you seek to recover attorneys' fees in this Lawsuit, produce all invoices from or payments to any attorney(s) you have hired or consulted in connection with the subject matter of this Lawsuit dated, created or generated from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 45: If you seek to recover attorneys' fees in this Lawsuit, produce any timesheets billing logs, billing statements or other documents that reflect the time spent working or billing by your attorney(s) on this Lawsuit from August 6, 2021 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 46: Produce all documents showing you were subject to harassment or a hostile work environment including, but not limited to, complaints, reports, or communications describing the harassment.

RESPONSE:

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

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/s/ Russell D. Cawyer
Russell D. Cawyer

EXHIBIT "A"**AUTHORIZATION TO RELEASE PROTECTED HEALTH CARE INFORMATION**

RE: Patient: Kimberly A. Hamilton
DOB: _____
Social Security No.: _____
TO: _____ [Health Care Provider]
 _____ [Address]
 _____ [City, State, Zip Code]

Pursuant to the Health Insurance Portability and Accountability Act ("HIPAA") Privacy Regulations, 45 CFR § 164.508, the provider listed above is hereby authorized to release to Kelly Hart & Hallman LLP, or any of its representatives, all health information and medical records, including but not limited to: history/physical exam, past/present medications, lab results, physician's orders, patient allergies, operation reports, consultant reports, progress notes, discharge summary, diagnostic test reports, EKG/cardiology reports, pathology reports, radiology reports and images, office notes, nurses' notes, emergency room records, in-patient records, MRIs or PET scans, pharmacy and drug records, billing information, health insurance claim records, Medicaid, or Medicare records, mental health/psychiatric records, drug, alcohol, or substance abuse records (including drug testing result and chain of custody documents), HIV/AIDS test results/treatment, genetic information (including genetic test results) concerning any medical treatment that I have received from you, at your institution, as well as all such records which you keep in the regular course of business and which are found in my medical records file.

The purpose of this authorization and request is to permit the attorneys of Kelly Hart & Hallman LLP to obtain ALL medical information pertaining to my physical or mental condition. This authorization expires three (3) years from the date of the signature. The aforementioned expiration date has not passed, as this matter is ongoing.

I hereby authorize the attorneys of Kelly Hart & Hallman LLP to speak to my health care professionals privately or to take testimony at deposition or trial as may be requested.

I have the right to revoke this authorization in writing by providing a signed, written notice of revocation to the health care provider listed above and to Kelly Hart & Hallman LLP, except to the extent that the provider listed above has taken action in reliance on this authorization. Medical providers may not condition treatment or payment on whether the above-listed patient executes this authorization. The information disclosed pursuant to this authorization may be subject to re-disclosure and no longer protected by the privacy regulations promulgated pursuant to HIPAA.

A photostatic copy hereof shall be as valid as the original.

 Date of Signature

 Signature

APP. 121

2. In answering the Interrogatories, furnish all information available to you, including information in the possession of your attorneys, or their investigators, and all persons acting on your behalf, and not merely such information known of your own personal knowledge. If you cannot answer an Interrogatory in full after exercising due diligence to secure the information, so state and answer to the extent possible, specifying your inability to answer the remainder, stating any and all efforts to obtain the information necessary to answer in full, and stating whatever information or knowledge you have concerning the unanswered portions.

3. If in response to an Interrogatory, you answer that the information may be derived or ascertained from business records, then you shall include in your response a detailed identification of the records (including type of document, name and page numbers) and their precise location. In addition, all such records shall be produced for inspection and copying at the time your responses to these Interrogatories are due. If such records are furnished in conjunction with other documents, then your answer shall identify the particular records that reveal the answer to the Interrogatory.

4. Each of your responses to each interrogatory shall set out the interrogatory in full, and your answer shall follow and be designated as “**ANSWER.**”

5. These Interrogatories are addressed to Plaintiff, Plaintiff’s agents, attorneys, or auditors or any of them.

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

1. The term “person” shall mean and include a natural or artificial person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

2. The terms “you,” “your,” “Plaintiff,” and “Medlin” in these interrogatories refer to Plaintiff Alyse Medlin and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff’s behalf, including Plaintiff’s attorneys, consultants, experts, investigators, agents, representatives or other persons acting, or who have acted, on Plaintiff’s behalf.

3. The term “United” or “Defendant” means United Airlines, Inc., and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on United’s behalf, including United’s attorneys, consultants, experts, investigators, agents or other persons acting on United’s behalf.

4. The term “Lawsuit,” as used herein, refers to the above-captioned cause brought by David Sambrano, individually and on behalf of all others similarly situated, and other named plaintiffs identified in the above caption, against United, currently pending in the Northern District of Texas, Case No. 4-21-CV-01074-P.

5. The term “communication” is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, writing, conversation, electronic data transmission or otherwise. It includes every manner of transmitting or receiving facts, information, opinions, or thoughts from one person to another person, whether orally, by documents, writing, e-mail, or copy thereof, and to words transmitted by telephone, radio, or any method of voice recording.

6. The term “document” is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

7. As used herein in requesting documents, the terms “relate(s),” “refer(s),” and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed. It shall also mean directly or indirectly supporting, evidencing, describing, mentioning, referring to, contradicting, comprising or concerning.

8. “And,” “or” and “and/or” shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete answers and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

9. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information

or more complete answers and would avoid the questions herein being considered ambiguous, inaccurate or confusing.

10. “Describe in detail” does not mean to provide a cryptic or evasive answer. “Describe in detail” means to provide all facts, names, addresses and telephone numbers, dates, places, times, conclusions, legal bases, reasons, expectations, understandings, and other information necessary to squarely and fully answer the entire inquiry, with particularity and specificity.

11. “Disability,” as used in these interrogatories, means a mental or physical impairment that substantially limits at least one major life activity of an individual, a record of such an impairment, or being regarded as having such an impairment.

12. When referring to a document in answer to an Interrogatory, “identify” means that you shall set forth the general nature of the document, the author or the originator, each addressee, all individuals designated on the document to receive a copy or otherwise known to have received a copy, date, title and general subject matter, the present custodian of the original and each copy thereof and the last known address of each such custodian. “Identify,” when referring to documents, does not include your attorneys’ notes (unless read by someone other than your attorneys) or correspondence between you and your attorneys (unless a third person has seen such correspondence).

13. When referring to a person in answer to an Interrogatory, “identify” means that you shall set forth the full name of the person, any assumed names that the person uses, his/her work address and work telephone numbers, his/her home address and home telephone number, and the addresses and telephone numbers of any temporary work locations or domiciles of the person.

14. In answering the Interrogatories, when referring to a business or non-business entity (whether for-profit corporation, non-profit corporation, professional association, professional corporation, general partnership, limited partnership, sole proprietorship, trust, or otherwise), whether de jure or de facto, “identify” means that you shall set forth the name of the business or non-business entity; all addresses and telephone numbers; its officers, directors, partners (general or limited), trustees, proprietors, managers, and other persons or other entities in positions of control or ownership, its registered agent, if any, and any assumed names.

INTERROGATORIES

INTERROGATORY NO. 1: Identify the beginning and end dates of any periods of unpaid leave you have had while employed by United Airlines, Inc., regardless of whether such leave periods were the result of a voluntary request, United-imposed policy, or otherwise from March 1, 2020 through the present.

ANSWER:

INTERROGATORY NO. 2: Identify any healthcare providers with whom you have discussed any immunizations or vaccinations since the age of 18. For each healthcare provider, identify their name, their address, their professional title, the dates of conversation(s), the content of conversation(s), and any recommendations received.

ANSWER:

INTERROGATORY NO. 3: Identify any religious, spiritual, or faith leaders and/or congregant with whom you have discussed any immunizations or vaccinations since the age of 18. For each religious leader or congregant, identify their name, their address, their religious or spiritual affiliation, their religious or spiritual title, the dates of conversation(s), the content of conversation(s), and any advice or recommendations received.

ANSWER:

INTERROGATORY NO. 4: Identify any vaccines or immunizations you have received since the age of 18. For each vaccine or immunization, identify the date(s) you received the vaccine or immunization, the vaccine or immunization you received, the purpose for receiving the vaccine or immunization, and the name and address of the healthcare provider that recommended and administered the vaccine or immunization.

ANSWER:

INTERROGATORY NO. 5: Identify any vaccines or immunizations that you declined or refused to receive because of religious, spiritual or faith-based objections since the age of 18.

ANSWER:

INTERROGATORY NO. 6: Identify any vaccines or immunizations that you declined or refused to receive because of medical concerns or Disability since the age of 18.

ANSWER:

INTERROGATORY NO. 7: Describe your efforts or efforts made on your behalf, to secure employment or self-employment with United, or otherwise beginning on August 6, 2021 through such time as any period of unpaid leave ended or, if you are no longer employed with United, through the time of trial. Your answer should include sufficient information to provide a fair and responsive answer, including, but not limited to, the name, address and telephone number of each employer or prospective employer contacted; the date of the contact; the person(s) contacted; the date of follow-up contacts, if any; whether an application or resume was submitted; the position for which you applied; and the results of the effort (i.e., whether an offer was made, a rejection letter was received or nothing was received).

ANSWER:

INTERROGATORY NO. 8: Identify each employer or the source, date and amount of all employment-related compensation, benefits or monetary payments you received or for whom you have performed any work while on the leave(s) of absence from United or after your employment with United ended that you were asked to identify in Interrogatory 1 above (e.g., salary, medical and dental insurance, workers' compensation, long-term disability benefits, social security benefits, unemployment compensation).

ANSWER:

INTERROGATORY NO. 9: Identify each test for COVID-19 infection or antibodies you have taken from January 1, 2020 through the time of trial. For each test, identify the date of the test, who administered the test (e.g., self-administered, CVS (with address), physician office with identify); the result of the test, the type of test (antigen or PCR) and the manufacturer of the test.

ANSWER:

INTERROGATORY NO.10: Identify every reason given to you by United, including reasons given by current or former employees of United, for the decision to put you on unpaid leave in connection with or as a result of your request for an exemption from United's COVID-19 vaccine policy. For each reason, identify: the person communicating the reason; the date of the communication; the location where the communication occurred; identify any witnesses to the communication; whether the communication was in person, in writing or by some other means; and the specific reasons given for the placement on leave.

ANSWER:

INTERROGATORY NO. 11: Identify any internal complaints or grievances concerning or relating to any discrimination, harassment or retaliation that you made to any manager, supervisor, or human resources/employee relations representative of United from August 6, 2021 through the time of trial. Your answer should include the date of the complaint, to whom it was made, how it was made, the substance of the complaint, and any response received.

ANSWER:

INTERROGATORY NO. 12: For any damages you seek to recover in this Lawsuit, including any back pay sought for any periods of time identified in Interrogatory Number 1 above, identify each category of damages, the maximum amount of damages sought for each category of damages, the computation of damages, including the time period of such loss or the number of hours used in calculating the loss, the exact amount of monetary compensation sought for such loss, and set forth the actual calculations and methodology by which you compute such loss, and identify all documents and other evidentiary material, not otherwise privileged or protected, on which such computation is based.

ANSWER:

INTERROGATORY NO. 13: If you seek to recover damages for mental anguish, emotional distress or other compensatory damages, identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers, and any other person with whom you have consulted or from whom you have received any treatment since August 6, 2016. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

INTERROGATORY NO. 14: Identify each Disability that forms the basis of any claim asserted in this Lawsuit. For each Disability, identify any diagnosis you have received for the Disability, the beginning and ending dates (if any) of such Disability; any major life activities that are affected by the Disability and any healthcare providers (including mental healthcare providers) from whom you sought any care or treatment for such Disability including the dates of such care or treatment.

ANSWER:

INTERROGATORY NO. 15: Identify any assignment, job, schedule and/or flight you bid on and did not receive or did not bid on because United's COVID vaccine and/or accommodation policies, including but not limited to policies concerning international travel, from August 6, 2021 to present, excluding the period that you were on unpaid leave, and identify each person with whom you communicated about and/or who considered or participated in any decision about each such bid. For each flight, include the date of the flight, time of the flight, destination of the flight, route of the flight including miles and stops, the flight you ended up taking instead of the desired flight, and any disparity in income or other compensation that the change in flights had on you.

ANSWER:

INTERROGATORY NO. 16: Identify each request for reasonable accommodation that you made to Defendant. For each request, identify the date of the request, the content of the request, the person(s) to whom you made the request, whether the request was written or oral, and content of response to the request along with the identity of the responder(s) and provide a copy of any written, recorded, or electronic requests for accommodation.

ANSWER:

INTERROGATORY NO. 17: If you contend that any current or former employee of Defendant did or said anything that you thought was inappropriate or offensive because of your religion, disability and/or vaccine status identify the date, time and place of such statements or actions, the specific action or statement made, the person making or taking the action or statement, any witnesses that may have been present, whether the statement was oral or written, and identify any document that refers to the statement or action.

ANSWER:

INTERROGATORY NO. 18: Identify all putative class members, including putative absent class members or other named plaintiffs with whom you have communicated concerning any of the claims in this Lawsuit and the date of such communications.

ANSWER:

INTERROGATORY NO. 19: Identify and describe all communications you have had with Airline Employees 4 Health Freedom (AE4HF), US Freedom Flyers or any of their members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 to present.

ANSWER:

INTERROGATORY NO. 20: Identify and describe any instructions you received, from persons other than your counsel, prior to and/or in connection with this litigation with respect to removing social media posts or other materials regarding vaccines, your opposition to vaccines, masking or testing or the United vaccine policy.

ANSWER:

INTERROGATORY NO. 21: Identify what if any law firms and/or for-profit or non-profit legal services organizations you contend currently and/or previously communicated with and/or represented you in connection with any claims in this Lawsuit.

ANSWER:

INTERROGATORY NO. 22: Identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers with whom you have consulted or from whom you have received any treatment in the last 5 years. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

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/s/ Russell D. Cawyer
Russell D. Cawyer

2. In answering the Interrogatories, furnish all information available to you, including information in the possession of your attorneys, or their investigators, and all persons acting on your behalf, and not merely such information known of your own personal knowledge. If you cannot answer an Interrogatory in full after exercising due diligence to secure the information, so state and answer to the extent possible, specifying your inability to answer the remainder, stating any and all efforts to obtain the information necessary to answer in full, and stating whatever information or knowledge you have concerning the unanswered portions.

3. If in response to an Interrogatory, you answer that the information may be derived or ascertained from business records, then you shall include in your response a detailed identification of the records (including type of document, name and page numbers) and their precise location. In addition, all such records shall be produced for inspection and copying at the time your responses to these Interrogatories are due. If such records are furnished in conjunction with other documents, then your answer shall identify the particular records that reveal the answer to the Interrogatory.

4. Each of your responses to each interrogatory shall set out the interrogatory in full, and your answer shall follow and be designated as “**ANSWER.**”

5. These Interrogatories are addressed to Plaintiff, Plaintiff’s agents, attorneys, or auditors or any of them.

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

1. The term “person” shall mean and include a natural or artificial person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

2. The terms “you,” “your,” “Plaintiff,” and “Burk” in these interrogatories refer to Plaintiff Charles Burk and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff’s behalf, including Plaintiff’s attorneys, consultants, experts, investigators, agents, representatives or other persons acting, or who have acted, on Plaintiff’s behalf.

3. The term “United” or “Defendant” means United Airlines, Inc., and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on United’s behalf, including United’s attorneys, consultants, experts, investigators, agents or other persons acting on United’s behalf.

4. The term “Lawsuit,” as used herein, refers to the above-captioned cause brought by David Sambrano, individually and on behalf of all others similarly situated, and other named plaintiffs identified in the above caption, against United, currently pending in the Northern District of Texas, Case No. 4-21-CV-01074-P.

5. The term “communication” is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, writing, conversation, electronic data transmission or otherwise. It includes every manner of transmitting or receiving facts, information, opinions, or thoughts from one person to another person, whether orally, by documents, writing, e-mail, or copy thereof, and to words transmitted by telephone, radio, or any method of voice recording.

6. The term “document” is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

7. As used herein in requesting documents, the terms “relate(s),” “refer(s),” and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed. It shall also mean directly or indirectly supporting, evidencing, describing, mentioning, referring to, contradicting, comprising or concerning.

8. “And,” “or” and “and/or” shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete answers and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

9. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information

or more complete answers and would avoid the questions herein being considered ambiguous, inaccurate or confusing.

10. “Describe in detail” does not mean to provide a cryptic or evasive answer. “Describe in detail” means to provide all facts, names, addresses and telephone numbers, dates, places, times, conclusions, legal bases, reasons, expectations, understandings, and other information necessary to squarely and fully answer the entire inquiry, with particularity and specificity.

11. “Disability,” as used in these interrogatories, means a mental or physical impairment that substantially limits at least one major life activity of an individual, a record of such an impairment, or being regarded as having such an impairment.

12. When referring to a document in answer to an Interrogatory, “identify” means that you shall set forth the general nature of the document, the author or the originator, each addressee, all individuals designated on the document to receive a copy or otherwise known to have received a copy, date, title and general subject matter, the present custodian of the original and each copy thereof and the last known address of each such custodian. “Identify,” when referring to documents, does not include your attorneys’ notes (unless read by someone other than your attorneys) or correspondence between you and your attorneys (unless a third person has seen such correspondence).

13. When referring to a person in answer to an Interrogatory, “identify” means that you shall set forth the full name of the person, any assumed names that the person uses, his/her work address and work telephone numbers, his/her home address and home telephone number, and the addresses and telephone numbers of any temporary work locations or domiciles of the person.

14. In answering the Interrogatories, when referring to a business or non-business entity (whether for-profit corporation, non-profit corporation, professional association, professional corporation, general partnership, limited partnership, sole proprietorship, trust, or otherwise), whether de jure or de facto, “identify” means that you shall set forth the name of the business or non-business entity; all addresses and telephone numbers; its officers, directors, partners (general or limited), trustees, proprietors, managers, and other persons or other entities in positions of control or ownership, its registered agent, if any, and any assumed names.

INTERROGATORIES

INTERROGATORY NO. 1: Identify the beginning and end dates of any periods of unpaid leave you have had while employed by United Airlines, Inc., regardless of whether such leave periods were the result of a voluntary request, United-imposed policy, or otherwise from March 1, 2020 through the present.

ANSWER:

INTERROGATORY NO. 2: Identify any healthcare providers with whom you have discussed any immunizations or vaccinations since the age of 18. For each healthcare provider, identify their name, their address, their professional title, the dates of conversation(s), the content of conversation(s), and any recommendations received.

ANSWER:

INTERROGATORY NO. 3: Identify any religious, spiritual, or faith leaders and/or congregant with whom you have discussed any immunizations or vaccinations since the age of 18. For each religious leader or congregant, identify their name, their address, their religious or spiritual affiliation, their religious or spiritual title, the dates of conversation(s), the content of conversation(s), and any advice or recommendations received.

ANSWER:

INTERROGATORY NO. 4: Identify any vaccines or immunizations you have received since the age of 18. For each vaccine or immunization, identify the date(s) you received the vaccine or immunization, the vaccine or immunization you received, the purpose for receiving the vaccine or immunization, and the name and address of the healthcare provider that recommended and administered the vaccine or immunization.

ANSWER:

INTERROGATORY NO. 5: Identify any vaccines or immunizations that you declined or refused to receive because of religious, spiritual or faith-based objections since the age of 18.

ANSWER:

INTERROGATORY NO. 6: Identify any vaccines or immunizations that you declined or refused to receive because of medical concerns or Disability since the age of 18.

ANSWER:

INTERROGATORY NO. 7: Describe your efforts or efforts made on your behalf, to secure employment or self-employment with United, or otherwise beginning on August 6, 2021 through such time as any period of unpaid leave ended or, if you are no longer employed with United, through the time of trial. Your answer should include sufficient information to provide a fair and responsive answer, including, but not limited to, the name, address and telephone number of each employer or prospective employer contacted; the date of the contact; the person(s) contacted; the date of follow-up contacts, if any; whether an application or resume was submitted; the position for which you applied; and the results of the effort (i.e., whether an offer was made, a rejection letter was received or nothing was received).

ANSWER:

INTERROGATORY NO. 8: Identify each employer or the source, date and amount of all employment-related compensation, benefits or monetary payments you received or for whom you have performed any work while on the leave(s) of absence from United or after your employment with United ended that you were asked to identify in Interrogatory 1 above (e.g., salary, medical and dental insurance, workers' compensation, long-term disability benefits, social security benefits, unemployment compensation).

ANSWER:

INTERROGATORY NO. 9: Identify each test for COVID-19 infection or antibodies you have taken from January 1, 2020 through the time of trial. For each test, identify the date of the test, who administered the test (e.g., self-administered, CVS (with address), physician office with identify); the result of the test, the type of test (antigen or PCR) and the manufacturer of the test.

ANSWER:

INTERROGATORY NO.10: Identify every reason given to you by United, including reasons given by current or former employees of United, for the decision to put you on unpaid leave in connection with or as a result of your request for an exemption from United's COVID-19 vaccine policy. For each reason, identify: the person communicating the reason; the date of the communication; the location where the communication occurred; identify any witnesses to the communication; whether the communication was in person, in writing or by some other means; and the specific reasons given for the placement on leave.

ANSWER:

INTERROGATORY NO. 11: Identify any internal complaints or grievances concerning or relating to any discrimination, harassment or retaliation that you made to any manager, supervisor, or human resources/employee relations representative of United from August 6, 2021 through the time of trial. Your answer should include the date of the complaint, to whom it was made, how it was made, the substance of the complaint, and any response received.

ANSWER:

INTERROGATORY NO. 12: For any damages you seek to recover in this Lawsuit, including any back pay sought for any periods of time identified in Interrogatory Number 1 above, identify each category of damages, the maximum amount of damages sought for each category of damages, the computation of damages, including the time period of such loss or the number of hours used in calculating the loss, the exact amount of monetary compensation sought for such loss, and set forth the actual calculations and methodology by which you compute such loss, and identify all documents and other evidentiary material, not otherwise privileged or protected, on which such computation is based.

ANSWER:

INTERROGATORY NO. 13: If you seek to recover damages for mental anguish, emotional distress or other compensatory damages, identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers, and any other person with whom you have consulted or from whom you have received any treatment since August 6, 2016. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

INTERROGATORY NO. 14: Identify each Disability that forms the basis of any claim asserted in this Lawsuit. For each Disability, identify any diagnosis you have received for the Disability, the beginning and ending dates (if any) of such Disability; any major life activities that are affected by the Disability and any healthcare providers (including mental healthcare providers) from whom you sought any care or treatment for such Disability including the dates of such care or treatment.

ANSWER:

INTERROGATORY NO. 15: Identify any assignment, job, schedule and/or flight you bid on and did not receive or did not bid on because United's COVID vaccine and/or accommodation policies, including but not limited to policies concerning international travel, from August 6, 2021 to present, excluding the period that you were on unpaid leave, and identify each person with whom you communicated about and/or who considered or participated in any decision about each such bid. For each flight, include the date of the flight, time of the flight, destination of the flight, route of the flight including miles and stops, the flight you ended up taking instead of the desired flight, and any disparity in income or other compensation that the change in flights had on you.

ANSWER:

INTERROGATORY NO. 16: Identify each request for reasonable accommodation that you made to Defendant. For each request, identify the date of the request, the content of the request, the person(s) to whom you made the request, whether the request was written or oral, and content of response to the request along with the identity of the responder(s) and provide a copy of any written, recorded, or electronic requests for accommodation.

ANSWER:

INTERROGATORY NO. 17: If you contend that any current or former employee of Defendant did or said anything that you thought was inappropriate or offensive because of your religion, disability and/or vaccine status identify the date, time and place of such statements or actions, the specific action or statement made, the person making or taking the action or statement, any witnesses that may have been present, whether the statement was oral or written, and identify any document that refers to the statement or action.

ANSWER:

INTERROGATORY NO. 18: Identify all putative class members, including putative absent class members or other named plaintiffs with whom you have communicated concerning any of the claims in this Lawsuit and the date of such communications.

ANSWER:

INTERROGATORY NO. 19: Identify and describe all communications you have had with Airline Employees 4 Health Freedom (AE4HF), US Freedom Flyers or any of their members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 to present.

ANSWER:

INTERROGATORY NO. 20: Identify and describe any instructions you received, from persons other than your counsel, prior to and/or in connection with this litigation with respect to removing social media posts or other materials regarding vaccines, your opposition to vaccines, masking or testing or the United vaccine policy.

ANSWER:

INTERROGATORY NO. 21: Identify what if any law firms and/or for-profit or non-profit legal services organizations you contend currently and/or previously communicated with and/or represented you in connection with any claims in this Lawsuit.

ANSWER:

INTERROGATORY NO. 22: Identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers with whom you have consulted or from whom you have received any treatment in the last 5 years. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of recordd this 21st day of February, 2023:

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/s/ Russell D. Cawyer
Russell D. Cawyer

**DEFENDANT’S FIRST SET OF INTERROGATORIES
TO PLAINTIFF DAVID CASTILLO**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant United Airlines, Inc. (“Defendant” or “United”) serves upon you the following Interrogatories. The Interrogatories are to be answered separately and fully, in writing and under oath, and your answers are to be furnished to the undersigned attorney on or before thirty (30) days after these Interrogatories are served. You are under a continuing duty to supplement your answers as necessary.

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2. In answering the Interrogatories, furnish all information available to you, including information in the possession of your attorneys, or their investigators, and all persons acting on your behalf, and not merely such information known of your own personal knowledge. If you cannot answer an Interrogatory in full after exercising due diligence to secure the information, so state and answer to the extent possible, specifying your inability to answer the remainder, stating any and all efforts to obtain the information necessary to answer in full, and stating whatever information or knowledge you have concerning the unanswered portions.

3. If in response to an Interrogatory, you answer that the information may be derived or ascertained from business records, then you shall include in your response a detailed identification of the records (including type of document, name and page numbers) and their precise location. In addition, all such records shall be produced for inspection and copying at the time your responses to these Interrogatories are due. If such records are furnished in conjunction with other documents, then your answer shall identify the particular records that reveal the answer to the Interrogatory.

4. Each of your responses to each interrogatory shall set out the interrogatory in full, and your answer shall follow and be designated as “**ANSWER.**”

5. These Interrogatories are addressed to Plaintiff, Plaintiff’s agents, attorneys, or auditors or any of them.

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

1. The term “person” shall mean and include a natural or artificial person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

2. The terms “you,” “your,” “Plaintiff,” and “Castillo” in these interrogatories refer to Plaintiff David Castillo and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff’s behalf, including Plaintiff’s attorneys, consultants, experts, investigators, agents, representatives or other persons acting, or who have acted, on Plaintiff’s behalf.

3. The term “United” or “Defendant” means United Airlines, Inc., and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on United’s behalf, including United’s attorneys, consultants, experts, investigators, agents or other persons acting on United’s behalf.

4. The term “Lawsuit,” as used herein, refers to the above-captioned cause brought by David Sambrano, individually and on behalf of all others similarly situated, and other named plaintiffs identified in the above caption, against United, currently pending in the Northern District of Texas, Case No. 4-21-CV-01074-P.

5. The term “communication” is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, writing, conversation, electronic data transmission or otherwise. It includes every manner of transmitting or receiving facts, information, opinions, or thoughts from one person to another person, whether orally, by documents, writing, e-mail, or copy thereof, and to words transmitted by telephone, radio, or any method of voice recording.

6. The term “document” is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

7. As used herein in requesting documents, the terms “relate(s),” “refer(s),” and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed. It shall also mean directly or indirectly supporting, evidencing, describing, mentioning, referring to, contradicting, comprising or concerning.

8. “And,” “or” and “and/or” shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete answers and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

9. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information

or more complete answers and would avoid the questions herein being considered ambiguous, inaccurate or confusing.

10. “Describe in detail” does not mean to provide a cryptic or evasive answer. “Describe in detail” means to provide all facts, names, addresses and telephone numbers, dates, places, times, conclusions, legal bases, reasons, expectations, understandings, and other information necessary to squarely and fully answer the entire inquiry, with particularity and specificity.

11. “Disability,” as used in these interrogatories, means a mental or physical impairment that substantially limits at least one major life activity of an individual, a record of such an impairment, or being regarded as having such an impairment.

12. When referring to a document in answer to an Interrogatory, “identify” means that you shall set forth the general nature of the document, the author or the originator, each addressee, all individuals designated on the document to receive a copy or otherwise known to have received a copy, date, title and general subject matter, the present custodian of the original and each copy thereof and the last known address of each such custodian. “Identify,” when referring to documents, does not include your attorneys’ notes (unless read by someone other than your attorneys) or correspondence between you and your attorneys (unless a third person has seen such correspondence).

13. When referring to a person in answer to an Interrogatory, “identify” means that you shall set forth the full name of the person, any assumed names that the person uses, his/her work address and work telephone numbers, his/her home address and home telephone number, and the addresses and telephone numbers of any temporary work locations or domiciles of the person.

14. In answering the Interrogatories, when referring to a business or non-business entity (whether for-profit corporation, non-profit corporation, professional association, professional corporation, general partnership, limited partnership, sole proprietorship, trust, or otherwise), whether de jure or de facto, “identify” means that you shall set forth the name of the business or non-business entity; all addresses and telephone numbers; its officers, directors, partners (general or limited), trustees, proprietors, managers, and other persons or other entities in positions of control or ownership, its registered agent, if any, and any assumed names.

INTERROGATORIES

INTERROGATORY NO. 1: Identify the beginning and end dates of any periods of unpaid leave you have had while employed by United Airlines, Inc., regardless of whether such leave periods were the result of a voluntary request, United-imposed policy, or otherwise from March 1, 2020 through the present.

ANSWER:

INTERROGATORY NO. 2: Identify any healthcare providers with whom you have discussed any immunizations or vaccinations since the age of 18. For each healthcare provider, identify their name, their address, their professional title, the dates of conversation(s), the content of conversation(s), and any recommendations received.

ANSWER:

INTERROGATORY NO. 3: Identify any religious, spiritual, or faith leaders and/or congregant with whom you have discussed any immunizations or vaccinations since the age of 18. For each religious leader or congregant, identify their name, their address, their religious or spiritual affiliation, their religious or spiritual title, the dates of conversation(s), the content of conversation(s), and any advice or recommendations received.

ANSWER:

INTERROGATORY NO. 4: Identify any vaccines or immunizations you have received since the age of 18. For each vaccine or immunization, identify the date(s) you received the vaccine or immunization, the vaccine or immunization you received, the purpose for receiving the vaccine or immunization, and the name and address of the healthcare provider that recommended and administered the vaccine or immunization.

ANSWER:

INTERROGATORY NO. 5: Identify any vaccines or immunizations that you declined or refused to receive because of religious, spiritual or faith-based objections since the age of 18.

ANSWER:

INTERROGATORY NO. 6: Identify any vaccines or immunizations that you declined or refused to receive because of medical concerns or Disability since the age of 18.

ANSWER:

INTERROGATORY NO. 7: Describe your efforts or efforts made on your behalf, to secure employment or self-employment with United, or otherwise beginning on August 6, 2021 through such time as any period of unpaid leave ended or, if you are no longer employed with United, through the time of trial. Your answer should include sufficient information to provide a fair and responsive answer, including, but not limited to, the name, address and telephone number of each employer or prospective employer contacted; the date of the contact; the person(s) contacted; the date of follow-up contacts, if any; whether an application or resume was submitted; the position for which you applied; and the results of the effort (i.e., whether an offer was made, a rejection letter was received or nothing was received).

ANSWER:

INTERROGATORY NO. 8: Identify each employer or the source, date and amount of all employment-related compensation, benefits or monetary payments you received or for whom you have performed any work while on the leave(s) of absence from United or after your employment with United ended that you were asked to identify in Interrogatory 1 above (e.g., salary, medical and dental insurance, workers' compensation, long-term disability benefits, social security benefits, unemployment compensation).

ANSWER:

INTERROGATORY NO. 9: Identify each test for COVID-19 infection or antibodies you have taken from January 1, 2020 through the time of trial. For each test, identify the date of the test, who administered the test (e.g., self-administered, CVS (with address), physician office with identify); the result of the test, the type of test (antigen or PCR) and the manufacturer of the test.

ANSWER:

INTERROGATORY NO.10: Identify every reason given to you by United, including reasons given by current or former employees of United, for the decision to put you on unpaid leave in connection with or as a result of your request for an exemption from United's COVID-19 vaccine policy. For each reason, identify: the person communicating the reason; the date of the communication; the location where the communication occurred; identify any witnesses to the communication; whether the communication was in person, in writing or by some other means; and the specific reasons given for the placement on leave.

ANSWER:

INTERROGATORY NO. 11: Identify any internal complaints or grievances concerning or relating to any discrimination, harassment or retaliation that you made to any manager, supervisor, or human resources/employee relations representative of United from August 6, 2021 through the time of trial. Your answer should include the date of the complaint, to whom it was made, how it was made, the substance of the complaint, and any response received.

ANSWER:

INTERROGATORY NO. 12: For any damages you seek to recover in this Lawsuit, including any back pay sought for any periods of time identified in Interrogatory Number 1 above, identify each category of damages, the maximum amount of damages sought for each category of damages, the computation of damages, including the time period of such loss or the number of hours used in calculating the loss, the exact amount of monetary compensation sought for such loss, and set forth the actual calculations and methodology by which you compute such loss, and identify all documents and other evidentiary material, not otherwise privileged or protected, on which such computation is based.

ANSWER:

INTERROGATORY NO. 13: If you seek to recover damages for mental anguish, emotional distress or other compensatory damages, identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers, and any other person with whom you have consulted or from whom you have received any treatment since August 6, 2016. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

INTERROGATORY NO. 14: Identify each Disability that forms the basis of any claim asserted in this Lawsuit. For each Disability, identify any diagnosis you have received for the Disability, the beginning and ending dates (if any) of such Disability; any major life activities that are affected by the Disability and any healthcare providers (including mental healthcare providers) from whom you sought any care or treatment for such Disability including the dates of such care or treatment.

ANSWER:

INTERROGATORY NO. 15: Identify any assignment, job, schedule and/or flight you bid on and did not receive or did not bid on because United's COVID vaccine and/or accommodation policies, including but not limited to policies concerning international travel, from August 6, 2021 to present, excluding the period that you were on unpaid leave, and identify each person with whom you communicated about and/or who considered or participated in any decision about each such bid. For each flight, include the date of the flight, time of the flight, destination of the flight, route of the flight including miles and stops, the flight you ended up taking instead of the desired flight, and any disparity in income or other compensation that the change in flights had on you.

ANSWER:

INTERROGATORY NO. 16: Identify each request for reasonable accommodation that you made to Defendant. For each request, identify the date of the request, the content of the request, the person(s) to whom you made the request, whether the request was written or oral, and content of response to the request along with the identity of the responder(s) and provide a copy of any written, recorded, or electronic requests for accommodation.

ANSWER:

INTERROGATORY NO. 17: If you contend that any current or former employee of Defendant did or said anything that you thought was inappropriate or offensive because of your religion, disability and/or vaccine status identify the date, time and place of such statements or actions, the specific action or statement made, the person making or taking the action or statement, any witnesses that may have been present, whether the statement was oral or written, and identify any document that refers to the statement or action.

ANSWER:

INTERROGATORY NO. 18: Identify all putative class members, including putative absent class members or other named plaintiffs with whom you have communicated concerning any of the claims in this Lawsuit and the date of such communications.

ANSWER:

INTERROGATORY NO. 19: Identify and describe all communications you have had with Airline Employees 4 Health Freedom (AE4HF), US Freedom Flyers or any of their members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 to present.

ANSWER:

INTERROGATORY NO. 20: Identify and describe any instructions you received, from persons other than your counsel, prior to and/or in connection with this litigation with respect to removing social media posts or other materials regarding vaccines, your opposition to vaccines, masking or testing or the United vaccine policy.

ANSWER:

INTERROGATORY NO. 21: Identify what if any law firms and/or for-profit or non-profit legal services organizations you contend currently and/or previously communicated with and/or represented you in connection with any claims in this Lawsuit.

ANSWER:

INTERROGATORY NO. 22: Identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers with whom you have consulted or from whom you have received any treatment in the last 5 years. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

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aboone@schaerr-jaffe.com

/s/ Russell D. Cawyer
Russell D. Cawyer

2. In answering the Interrogatories, furnish all information available to you, including information in the possession of your attorneys, or their investigators, and all persons acting on your behalf, and not merely such information known of your own personal knowledge. If you cannot answer an Interrogatory in full after exercising due diligence to secure the information, so state and answer to the extent possible, specifying your inability to answer the remainder, stating any and all efforts to obtain the information necessary to answer in full, and stating whatever information or knowledge you have concerning the unanswered portions.

3. If in response to an Interrogatory, you answer that the information may be derived or ascertained from business records, then you shall include in your response a detailed identification of the records (including type of document, name and page numbers) and their precise location. In addition, all such records shall be produced for inspection and copying at the time your responses to these Interrogatories are due. If such records are furnished in conjunction with other documents, then your answer shall identify the particular records that reveal the answer to the Interrogatory.

4. Each of your responses to each interrogatory shall set out the interrogatory in full, and your answer shall follow and be designated as “**ANSWER.**”

5. These Interrogatories are addressed to Plaintiff, Plaintiff’s agents, attorneys, or auditors or any of them.

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

1. The term “person” shall mean and include a natural or artificial person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

2. The terms “you,” “your,” “Plaintiff,” and “Sambrano” in these interrogatories refer to Plaintiff David Sambrano and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff’s behalf, including Plaintiff’s attorneys, consultants, experts, investigators, agents, representatives or other persons acting, or who have acted, on Plaintiff’s behalf.

3. The term “United” or “Defendant” means United Airlines, Inc., and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on United’s behalf, including United’s attorneys, consultants, experts, investigators, agents or other persons acting on United’s behalf.

4. The term “Lawsuit,” as used herein, refers to the above-captioned cause brought by David Sambrano, individually and on behalf of all others similarly situated, and other named plaintiffs identified in the above caption, against United, currently pending in the Northern District of Texas, Case No. 4-21-CV-01074-P.

5. The term “communication” is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, writing, conversation, electronic data transmission or otherwise. It includes every manner of transmitting or receiving facts, information, opinions, or thoughts from one person to another person, whether orally, by documents, writing, e-mail, or copy thereof, and to words transmitted by telephone, radio, or any method of voice recording.

6. The term “document” is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

7. As used herein in requesting documents, the terms “relate(s),” “refer(s),” and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed. It shall also mean directly or indirectly supporting, evidencing, describing, mentioning, referring to, contradicting, comprising or concerning.

8. “And,” “or” and “and/or” shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete answers and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

9. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information

or more complete answers and would avoid the questions herein being considered ambiguous, inaccurate or confusing.

10. “Describe in detail” does not mean to provide a cryptic or evasive answer. “Describe in detail” means to provide all facts, names, addresses and telephone numbers, dates, places, times, conclusions, legal bases, reasons, expectations, understandings, and other information necessary to squarely and fully answer the entire inquiry, with particularity and specificity.

11. “Disability,” as used in these interrogatories, means a mental or physical impairment that substantially limits at least one major life activity of an individual, a record of such an impairment, or being regarded as having such an impairment.

12. When referring to a document in answer to an Interrogatory, “identify” means that you shall set forth the general nature of the document, the author or the originator, each addressee, all individuals designated on the document to receive a copy or otherwise known to have received a copy, date, title and general subject matter, the present custodian of the original and each copy thereof and the last known address of each such custodian. “Identify,” when referring to documents, does not include your attorneys’ notes (unless read by someone other than your attorneys) or correspondence between you and your attorneys (unless a third person has seen such correspondence).

13. When referring to a person in answer to an Interrogatory, “identify” means that you shall set forth the full name of the person, any assumed names that the person uses, his/her work address and work telephone numbers, his/her home address and home telephone number, and the addresses and telephone numbers of any temporary work locations or domiciles of the person.

14. In answering the Interrogatories, when referring to a business or non-business entity (whether for-profit corporation, non-profit corporation, professional association, professional corporation, general partnership, limited partnership, sole proprietorship, trust, or otherwise), whether de jure or de facto, “identify” means that you shall set forth the name of the business or non-business entity; all addresses and telephone numbers; its officers, directors, partners (general or limited), trustees, proprietors, managers, and other persons or other entities in positions of control or ownership, its registered agent, if any, and any assumed names.

INTERROGATORIES

INTERROGATORY NO. 1: Identify the beginning and end dates of any periods of unpaid leave you have had while employed by United Airlines, Inc., regardless of whether such leave periods were the result of a voluntary request, United-imposed policy, or otherwise from March 1, 2020 through the present.

ANSWER:

INTERROGATORY NO. 2: Identify any healthcare providers with whom you have discussed any immunizations or vaccinations since the age of 18. For each healthcare provider, identify their name, their address, their professional title, the dates of conversation(s), the content of conversation(s), and any recommendations received.

ANSWER:

INTERROGATORY NO. 3: Identify any religious, spiritual, or faith leaders and/or congregant with whom you have discussed any immunizations or vaccinations since the age of 18. For each religious leader or congregant, identify their name, their address, their religious or spiritual affiliation, their religious or spiritual title, the dates of conversation(s), the content of conversation(s), and any advice or recommendations received.

ANSWER:

INTERROGATORY NO. 4: Identify any vaccines or immunizations you have received since the age of 18. For each vaccine or immunization, identify the date(s) you received the vaccine or immunization, the vaccine or immunization you received, the purpose for receiving the vaccine or immunization, and the name and address of the healthcare provider that recommended and administered the vaccine or immunization.

ANSWER:

INTERROGATORY NO. 5: Identify any vaccines or immunizations that you declined or refused to receive because of religious, spiritual or faith-based objections since the age of 18.

ANSWER:

INTERROGATORY NO. 6: Identify any vaccines or immunizations that you declined or refused to receive because of medical concerns or Disability since the age of 18.

ANSWER:

INTERROGATORY NO. 7: Describe your efforts or efforts made on your behalf, to secure employment or self-employment with United, or otherwise beginning on August 6, 2021 through such time as any period of unpaid leave ended or, if you are no longer employed with United, through the time of trial. Your answer should include sufficient information to provide a fair and responsive answer, including, but not limited to, the name, address and telephone number of each employer or prospective employer contacted; the date of the contact; the person(s) contacted; the date of follow-up contacts, if any; whether an application or resume was submitted; the position for which you applied; and the results of the effort (i.e., whether an offer was made, a rejection letter was received or nothing was received).

ANSWER:

INTERROGATORY NO. 8: Identify each employer or the source, date and amount of all employment-related compensation, benefits or monetary payments you received or for whom you have performed any work while on the leave(s) of absence from United or after your employment with United ended that you were asked to identify in Interrogatory 1 above (e.g., salary, medical and dental insurance, workers' compensation, long-term disability benefits, social security benefits, unemployment compensation).

ANSWER:

INTERROGATORY NO. 9: Identify each test for COVID-19 infection or antibodies you have taken from January 1, 2020 through the time of trial. For each test, identify the date of the test, who administered the test (e.g., self-administered, CVS (with address), physician office with identify); the result of the test, the type of test (antigen or PCR) and the manufacturer of the test.

ANSWER:

INTERROGATORY NO.10: Identify every reason given to you by United, including reasons given by current or former employees of United, for the decision to put you on unpaid leave in connection with or as a result of your request for an exemption from United's COVID-19 vaccine policy. For each reason, identify: the person communicating the reason; the date of the communication; the location where the communication occurred; identify any witnesses to the communication; whether the communication was in person, in writing or by some other means; and the specific reasons given for the placement on leave.

ANSWER:

INTERROGATORY NO. 11: Identify any internal complaints or grievances concerning or relating to any discrimination, harassment or retaliation that you made to any manager, supervisor, or human resources/employee relations representative of United from August 6, 2021 through the time of trial. Your answer should include the date of the complaint, to whom it was made, how it was made, the substance of the complaint, and any response received.

ANSWER:

INTERROGATORY NO. 12: For any damages you seek to recover in this Lawsuit, including any back pay sought for any periods of time identified in Interrogatory Number 1 above, identify each category of damages, the maximum amount of damages sought for each category of damages, the computation of damages, including the time period of such loss or the number of hours used in calculating the loss, the exact amount of monetary compensation sought for such loss, and set forth the actual calculations and methodology by which you compute such loss, and identify all documents and other evidentiary material, not otherwise privileged or protected, on which such computation is based.

ANSWER:

INTERROGATORY NO. 13: If you seek to recover damages for mental anguish, emotional distress or other compensatory damages, identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers, and any other person with whom you have consulted or from whom you have received any treatment since August 6, 2016. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

INTERROGATORY NO. 14: Identify each Disability that forms the basis of any claim asserted in this Lawsuit. For each Disability, identify any diagnosis you have received for the Disability, the beginning and ending dates (if any) of such Disability; any major life activities that are affected by the Disability and any healthcare providers (including mental healthcare providers) from whom you sought any care or treatment for such Disability including the dates of such care or treatment.

ANSWER:

INTERROGATORY NO. 15: Identify any assignment, job, schedule and/or flight you bid on and did not receive or did not bid on because United's COVID vaccine and/or accommodation policies, including but not limited to policies concerning international travel, from August 6, 2021 to present, excluding the period that you were on unpaid leave, and identify each person with whom you communicated about and/or who considered or participated in any decision about each such bid. For each flight, include the date of the flight, time of the flight, destination of the flight, route of the flight including miles and stops, the flight you ended up taking instead of the desired flight, and any disparity in income or other compensation that the change in flights had on you.

ANSWER:

INTERROGATORY NO. 16: Identify each request for reasonable accommodation that you made to Defendant. For each request, identify the date of the request, the content of the request, the person(s) to whom you made the request, whether the request was written or oral, and content of response to the request along with the identity of the responder(s) and provide a copy of any written, recorded, or electronic requests for accommodation.

ANSWER:

INTERROGATORY NO. 17: If you contend that any current or former employee of Defendant did or said anything that you thought was inappropriate or offensive because of your religion, disability and/or vaccine status identify the date, time and place of such statements or actions, the specific action or statement made, the person making or taking the action or statement, any witnesses that may have been present, whether the statement was oral or written, and identify any document that refers to the statement or action.

ANSWER:

INTERROGATORY NO. 18: Identify all putative class members, including putative absent class members or other named plaintiffs with whom you have communicated concerning any of the claims in this Lawsuit and the date of such communications.

ANSWER:

INTERROGATORY NO. 19: Identify and describe all communications you have had with Airline Employees 4 Health Freedom (AE4HF), US Freedom Flyers or any of their members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 to present.

ANSWER:

INTERROGATORY NO. 20: Identify and describe any instructions you received, from persons other than your counsel, prior to and/or in connection with this litigation with respect to removing social media posts or other materials regarding vaccines, your opposition to vaccines, masking or testing or the United vaccine policy.

ANSWER:

INTERROGATORY NO. 21: Identify what if any law firms and/or for-profit or non-profit legal services organizations you contend currently and/or previously communicated with and/or represented you in connection with any claims in this Lawsuit.

ANSWER:

INTERROGATORY NO. 22: Identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers with whom you have consulted or from whom you have received any treatment in the last 5 years. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

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aboone@schaerr-jaffe.com

/s/ Russell D. Cawyer
Russell D. Cawyer

2. In answering the Interrogatories, furnish all information available to you, including information in the possession of your attorneys, or their investigators, and all persons acting on your behalf, and not merely such information known of your own personal knowledge. If you cannot answer an Interrogatory in full after exercising due diligence to secure the information, so state and answer to the extent possible, specifying your inability to answer the remainder, stating any and all efforts to obtain the information necessary to answer in full, and stating whatever information or knowledge you have concerning the unanswered portions.

3. If in response to an Interrogatory, you answer that the information may be derived or ascertained from business records, then you shall include in your response a detailed identification of the records (including type of document, name and page numbers) and their precise location. In addition, all such records shall be produced for inspection and copying at the time your responses to these Interrogatories are due. If such records are furnished in conjunction with other documents, then your answer shall identify the particular records that reveal the answer to the Interrogatory.

4. Each of your responses to each interrogatory shall set out the interrogatory in full, and your answer shall follow and be designated as **“ANSWER.”**

5. These Interrogatories are addressed to Plaintiff, Plaintiff’s agents, attorneys, or auditors or any of them.

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

1. The term “person” shall mean and include a natural or artificial person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

2. The terms “you,” “your,” “Plaintiff,” and “Jonas” in these interrogatories refer to Plaintiff Debra Jennefer Thal Jonas and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff’s behalf, including Plaintiff’s attorneys, consultants, experts, investigators, agents, representatives or other persons acting, or who have acted, on Plaintiff’s behalf.

3. The term “United” or “Defendant” means United Airlines, Inc., and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on United’s behalf, including United’s attorneys, consultants, experts, investigators, agents or other persons acting on United’s behalf.

4. The term “Lawsuit,” as used herein, refers to the above-captioned cause brought by David Sambrano, individually and on behalf of all others similarly situated, and other named plaintiffs identified in the above caption, against United, currently pending in the Northern District of Texas, Case No. 4-21-CV-01074-P.

5. The term “communication” is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, writing, conversation, electronic data transmission or otherwise. It includes every manner of transmitting or receiving facts, information, opinions, or thoughts from one person to another person, whether orally, by documents, writing, e-mail, or copy thereof, and to words transmitted by telephone, radio, or any method of voice recording.

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7. As used herein in requesting documents, the terms “relate(s),” “refer(s),” and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed. It shall also mean directly or indirectly supporting, evidencing, describing, mentioning, referring to, contradicting, comprising or concerning.

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9. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information

or more complete answers and would avoid the questions herein being considered ambiguous, inaccurate or confusing.

10. “Describe in detail” does not mean to provide a cryptic or evasive answer. “Describe in detail” means to provide all facts, names, addresses and telephone numbers, dates, places, times, conclusions, legal bases, reasons, expectations, understandings, and other information necessary to squarely and fully answer the entire inquiry, with particularity and specificity.

11. “Disability,” as used in these interrogatories, means a mental or physical impairment that substantially limits at least one major life activity of an individual, a record of such an impairment, or being regarded as having such an impairment.

12. When referring to a document in answer to an Interrogatory, “identify” means that you shall set forth the general nature of the document, the author or the originator, each addressee, all individuals designated on the document to receive a copy or otherwise known to have received a copy, date, title and general subject matter, the present custodian of the original and each copy thereof and the last known address of each such custodian. “Identify,” when referring to documents, does not include your attorneys’ notes (unless read by someone other than your attorneys) or correspondence between you and your attorneys (unless a third person has seen such correspondence).

13. When referring to a person in answer to an Interrogatory, “identify” means that you shall set forth the full name of the person, any assumed names that the person uses, his/her work address and work telephone numbers, his/her home address and home telephone number, and the addresses and telephone numbers of any temporary work locations or domiciles of the person.

14. In answering the Interrogatories, when referring to a business or non-business entity (whether for-profit corporation, non-profit corporation, professional association, professional corporation, general partnership, limited partnership, sole proprietorship, trust, or otherwise), whether de jure or de facto, “identify” means that you shall set forth the name of the business or non-business entity; all addresses and telephone numbers; its officers, directors, partners (general or limited), trustees, proprietors, managers, and other persons or other entities in positions of control or ownership, its registered agent, if any, and any assumed names.

INTERROGATORIES

INTERROGATORY NO. 1: Identify the beginning and end dates of any periods of unpaid leave you have had while employed by United Airlines, Inc., regardless of whether such leave periods were the result of a voluntary request, United-imposed policy, or otherwise from March 1, 2020 through the present.

ANSWER:

INTERROGATORY NO. 2: Identify any healthcare providers with whom you have discussed any immunizations or vaccinations since the age of 18. For each healthcare provider, identify their name, their address, their professional title, the dates of conversation(s), the content of conversation(s), and any recommendations received.

ANSWER:

INTERROGATORY NO. 3: Identify any religious, spiritual, or faith leaders and/or congregant with whom you have discussed any immunizations or vaccinations since the age of 18. For each religious leader or congregant, identify their name, their address, their religious or spiritual affiliation, their religious or spiritual title, the dates of conversation(s), the content of conversation(s), and any advice or recommendations received.

ANSWER:

INTERROGATORY NO. 4: Identify any vaccines or immunizations you have received since the age of 18. For each vaccine or immunization, identify the date(s) you received the vaccine or immunization, the vaccine or immunization you received, the purpose for receiving the vaccine or immunization, and the name and address of the healthcare provider that recommended and administered the vaccine or immunization.

ANSWER:

INTERROGATORY NO. 5: Identify any vaccines or immunizations that you declined or refused to receive because of religious, spiritual or faith-based objections since the age of 18.

ANSWER:

INTERROGATORY NO. 6: Identify any vaccines or immunizations that you declined or refused to receive because of medical concerns or Disability since the age of 18.

ANSWER:

INTERROGATORY NO. 7: Describe your efforts or efforts made on your behalf, to secure employment or self-employment with United, or otherwise beginning on August 6, 2021 through such time as any period of unpaid leave ended or, if you are no longer employed with United, through the time of trial. Your answer should include sufficient information to provide a fair and responsive answer, including, but not limited to, the name, address and telephone number of each employer or prospective employer contacted; the date of the contact; the person(s) contacted; the date of follow-up contacts, if any; whether an application or resume was submitted; the position for which you applied; and the results of the effort (i.e., whether an offer was made, a rejection letter was received or nothing was received).

ANSWER:

INTERROGATORY NO. 8: Identify each employer or the source, date and amount of all employment-related compensation, benefits or monetary payments you received or for whom you have performed any work while on the leave(s) of absence from United or after your employment with United ended that you were asked to identify in Interrogatory 1 above (e.g., salary, medical and dental insurance, workers' compensation, long-term disability benefits, social security benefits, unemployment compensation).

ANSWER:

INTERROGATORY NO. 9: Identify each test for COVID-19 infection or antibodies you have taken from January 1, 2020 through the time of trial. For each test, identify the date of the test, who administered the test (e.g., self-administered, CVS (with address), physician office with identify); the result of the test, the type of test (antigen or PCR) and the manufacturer of the test.

ANSWER:

INTERROGATORY NO.10: Identify every reason given to you by United, including reasons given by current or former employees of United, for the decision to put you on unpaid leave in connection with or as a result of your request for an exemption from United's COVID-19 vaccine policy. For each reason, identify: the person communicating the reason; the date of the communication; the location where the communication occurred; identify any witnesses to the communication; whether the communication was in person, in writing or by some other means; and the specific reasons given for the placement on leave.

ANSWER:

INTERROGATORY NO. 11: Identify any internal complaints or grievances concerning or relating to any discrimination, harassment or retaliation that you made to any manager, supervisor, or human resources/employee relations representative of United from August 6, 2021 through the time of trial. Your answer should include the date of the complaint, to whom it was made, how it was made, the substance of the complaint, and any response received.

ANSWER:

INTERROGATORY NO. 12: For any damages you seek to recover in this Lawsuit, including any back pay sought for any periods of time identified in Interrogatory Number 1 above, identify each category of damages, the maximum amount of damages sought for each category of damages, the computation of damages, including the time period of such loss or the number of hours used in calculating the loss, the exact amount of monetary compensation sought for such loss, and set forth the actual calculations and methodology by which you compute such loss, and identify all documents and other evidentiary material, not otherwise privileged or protected, on which such computation is based.

ANSWER:

INTERROGATORY NO. 13: If you seek to recover damages for mental anguish, emotional distress or other compensatory damages, identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers, and any other person with whom you have consulted or from whom you have received any treatment since August 6, 2016. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

INTERROGATORY NO. 14: Identify each Disability that forms the basis of any claim asserted in this Lawsuit. For each Disability, identify any diagnosis you have received for the Disability, the beginning and ending dates (if any) of such Disability; any major life activities that are affected by the Disability and any healthcare providers (including mental healthcare providers) from whom you sought any care or treatment for such Disability including the dates of such care or treatment.

ANSWER:

INTERROGATORY NO. 15: Identify any assignment, job, schedule and/or flight you bid on and did not receive or did not bid on because United's COVID vaccine and/or accommodation policies, including but not limited to policies concerning international travel, from August 6, 2021 to present, excluding the period that you were on unpaid leave, and identify each person with whom you communicated about and/or who considered or participated in any decision about each such bid. For each flight, include the date of the flight, time of the flight, destination of the flight, route of the flight including miles and stops, the flight you ended up taking instead of the desired flight, and any disparity in income or other compensation that the change in flights had on you.

ANSWER:

INTERROGATORY NO. 16: Identify each request for reasonable accommodation that you made to Defendant. For each request, identify the date of the request, the content of the request, the person(s) to whom you made the request, whether the request was written or oral, and content of response to the request along with the identity of the responder(s) and provide a copy of any written, recorded, or electronic requests for accommodation.

ANSWER:

INTERROGATORY NO. 17: If you contend that any current or former employee of Defendant did or said anything that you thought was inappropriate or offensive because of your religion, disability and/or vaccine status identify the date, time and place of such statements or actions, the specific action or statement made, the person making or taking the action or statement, any witnesses that may have been present, whether the statement was oral or written, and identify any document that refers to the statement or action.

ANSWER:

INTERROGATORY NO. 18: Identify all putative class members, including putative absent class members or other named plaintiffs with whom you have communicated concerning any of the claims in this Lawsuit and the date of such communications.

ANSWER:

INTERROGATORY NO. 19: Identify and describe all communications you have had with Airline Employees 4 Health Freedom (AE4HF), US Freedom Flyers or any of their members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 to present.

ANSWER:

INTERROGATORY NO. 20: Identify and describe any instructions you received, from persons other than your counsel, prior to and/or in connection with this litigation with respect to removing social media posts or other materials regarding vaccines, your opposition to vaccines, masking or testing or the United vaccine policy.

ANSWER:

INTERROGATORY NO. 21: Identify what if any law firms and/or for-profit or non-profit legal services organizations you contend currently and/or previously communicated with and/or represented you in connection with any claims in this Lawsuit.

ANSWER:

INTERROGATORY NO. 22: Identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers with whom you have consulted or from whom you have received any treatment in the last 5 years. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

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/s/ Russell D. Cawyer
Russell D. Cawyer

**DEFENDANT’S FIRST SET OF INTERROGATORIES
TO PLAINTIFF GENISE KINCANNON**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant United Airlines, Inc. (“Defendant” or “United”) serves upon you the following Interrogatories. The Interrogatories are to be answered separately and fully, in writing and under oath, and your answers are to be furnished to the undersigned attorney on or before thirty (30) days after these Interrogatories are served. You are under a continuing duty to supplement your answers as necessary.

APP. 171

2. In answering the Interrogatories, furnish all information available to you, including information in the possession of your attorneys, or their investigators, and all persons acting on your behalf, and not merely such information known of your own personal knowledge. If you cannot answer an Interrogatory in full after exercising due diligence to secure the information, so state and answer to the extent possible, specifying your inability to answer the remainder, stating any and all efforts to obtain the information necessary to answer in full, and stating whatever information or knowledge you have concerning the unanswered portions.

3. If in response to an Interrogatory, you answer that the information may be derived or ascertained from business records, then you shall include in your response a detailed identification of the records (including type of document, name and page numbers) and their precise location. In addition, all such records shall be produced for inspection and copying at the time your responses to these Interrogatories are due. If such records are furnished in conjunction with other documents, then your answer shall identify the particular records that reveal the answer to the Interrogatory.

4. Each of your responses to each interrogatory shall set out the interrogatory in full, and your answer shall follow and be designated as “**ANSWER.**”

5. These Interrogatories are addressed to Plaintiff, Plaintiff’s agents, attorneys, or auditors or any of them.

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

1. The term “person” shall mean and include a natural or artificial person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

2. The terms “you,” “your,” “Plaintiff,” and “Kincannon” in these interrogatories refer to Plaintiff Genise Kincannon and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff’s behalf, including Plaintiff’s attorneys, consultants, experts, investigators, agents, representatives or other persons acting, or who have acted, on Plaintiff’s behalf.

3. The term “United” or “Defendant” means United Airlines, Inc., and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on United’s behalf, including United’s attorneys, consultants, experts, investigators, agents or other persons acting on United’s behalf.

4. The term “Lawsuit,” as used herein, refers to the above-captioned cause brought by David Sambrano, individually and on behalf of all others similarly situated, and other named plaintiffs identified in the above caption, against United, currently pending in the Northern District of Texas, Case No. 4-21-CV-01074-P.

5. The term “communication” is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, writing, conversation, electronic data transmission or otherwise. It includes every manner of transmitting or receiving facts, information, opinions, or thoughts from one person to another person, whether orally, by documents, writing, e-mail, or copy thereof, and to words transmitted by telephone, radio, or any method of voice recording.

6. The term “document” is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

7. As used herein in requesting documents, the terms “relate(s),” “refer(s),” and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed. It shall also mean directly or indirectly supporting, evidencing, describing, mentioning, referring to, contradicting, comprising or concerning.

8. “And,” “or” and “and/or” shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete answers and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

9. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information

or more complete answers and would avoid the questions herein being considered ambiguous, inaccurate or confusing.

10. “Describe in detail” does not mean to provide a cryptic or evasive answer. “Describe in detail” means to provide all facts, names, addresses and telephone numbers, dates, places, times, conclusions, legal bases, reasons, expectations, understandings, and other information necessary to squarely and fully answer the entire inquiry, with particularity and specificity.

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12. When referring to a document in answer to an Interrogatory, “identify” means that you shall set forth the general nature of the document, the author or the originator, each addressee, all individuals designated on the document to receive a copy or otherwise known to have received a copy, date, title and general subject matter, the present custodian of the original and each copy thereof and the last known address of each such custodian. “Identify,” when referring to documents, does not include your attorneys’ notes (unless read by someone other than your attorneys) or correspondence between you and your attorneys (unless a third person has seen such correspondence).

13. When referring to a person in answer to an Interrogatory, “identify” means that you shall set forth the full name of the person, any assumed names that the person uses, his/her work address and work telephone numbers, his/her home address and home telephone number, and the addresses and telephone numbers of any temporary work locations or domiciles of the person.

14. In answering the Interrogatories, when referring to a business or non-business entity (whether for-profit corporation, non-profit corporation, professional association, professional corporation, general partnership, limited partnership, sole proprietorship, trust, or otherwise), whether de jure or de facto, “identify” means that you shall set forth the name of the business or non-business entity; all addresses and telephone numbers; its officers, directors, partners (general or limited), trustees, proprietors, managers, and other persons or other entities in positions of control or ownership, its registered agent, if any, and any assumed names.

INTERROGATORIES

INTERROGATORY NO. 1: Identify the beginning and end dates of any periods of unpaid leave you have had while employed by United Airlines, Inc., regardless of whether such leave periods were the result of a voluntary request, United-imposed policy, or otherwise from March 1, 2020 through the present.

ANSWER:

INTERROGATORY NO. 2: Identify any healthcare providers with whom you have discussed any immunizations or vaccinations since the age of 18. For each healthcare provider, identify their name, their address, their professional title, the dates of conversation(s), the content of conversation(s), and any recommendations received.

ANSWER:

INTERROGATORY NO. 3: Identify any religious, spiritual, or faith leaders and/or congregant with whom you have discussed any immunizations or vaccinations since the age of 18. For each religious leader or congregant, identify their name, their address, their religious or spiritual affiliation, their religious or spiritual title, the dates of conversation(s), the content of conversation(s), and any advice or recommendations received.

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ANSWER:

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ANSWER:

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ANSWER:

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ANSWER:

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ANSWER:

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ANSWER:

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ANSWER:

INTERROGATORY NO. 19: Identify and describe all communications you have had with Airline Employees 4 Health Freedom (AE4HF), US Freedom Flyers or any of their members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 to present.

ANSWER:

INTERROGATORY NO. 20: Identify and describe any instructions you received, from persons other than your counsel, prior to and/or in connection with this litigation with respect to removing social media posts or other materials regarding vaccines, your opposition to vaccines, masking or testing or the United vaccine policy.

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INTERROGATORY NO. 21: Identify what if any law firms and/or for-profit or non-profit legal services organizations you contend currently and/or previously communicated with and/or represented you in connection with any claims in this Lawsuit.

ANSWER:

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ANSWER:

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

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/s/ Russell D. Cawyer
Russell D. Cawyer

2. In answering the Interrogatories, furnish all information available to you, including information in the possession of your attorneys, or their investigators, and all persons acting on your behalf, and not merely such information known of your own personal knowledge. If you cannot answer an Interrogatory in full after exercising due diligence to secure the information, so state and answer to the extent possible, specifying your inability to answer the remainder, stating any and all efforts to obtain the information necessary to answer in full, and stating whatever information or knowledge you have concerning the unanswered portions.

3. If in response to an Interrogatory, you answer that the information may be derived or ascertained from business records, then you shall include in your response a detailed identification of the records (including type of document, name and page numbers) and their precise location. In addition, all such records shall be produced for inspection and copying at the time your responses to these Interrogatories are due. If such records are furnished in conjunction with other documents, then your answer shall identify the particular records that reveal the answer to the Interrogatory.

4. Each of your responses to each interrogatory shall set out the interrogatory in full, and your answer shall follow and be designated as “**ANSWER.**”

5. These Interrogatories are addressed to Plaintiff, Plaintiff’s agents, attorneys, or auditors or any of them.

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

1. The term “person” shall mean and include a natural or artificial person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

2. The terms “you,” “your,” “Plaintiff,” and “Rains” in these interrogatories refer to Plaintiff Jarrad Rains and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff’s behalf, including Plaintiff’s attorneys, consultants, experts, investigators, agents, representatives or other persons acting, or who have acted, on Plaintiff’s behalf.

3. The term “United” or “Defendant” means United Airlines, Inc., and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on United’s behalf, including United’s attorneys, consultants, experts, investigators, agents or other persons acting on United’s behalf.

4. The term “Lawsuit,” as used herein, refers to the above-captioned cause brought by David Sambrano, individually and on behalf of all others similarly situated, and other named plaintiffs identified in the above caption, against United, currently pending in the Northern District of Texas, Case No. 4-21-CV-01074-P.

5. The term “communication” is defined by way of illustration and not by way of limitation, as an exchange of words, thoughts or ideas, whether by document, writing, conversation, electronic data transmission or otherwise. It includes every manner of transmitting or receiving facts, information, opinions, or thoughts from one person to another person, whether orally, by documents, writing, e-mail, or copy thereof, and to words transmitted by telephone, radio, or any method of voice recording.

6. The term “document” is defined by way of illustration only and not by way of limitation, as the following, whether originals, drafts or non-identical copies (whether different from the original by reason of notations made on each copy or otherwise), of writings, recordings and graphic materials of every kind, whether printed or reproduced by any process, or written and/or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely: notes; data; lists; customer lists; itineraries; letters; correspondence; communications of any nature; drawings; designs; telegrams; manuals; books of accounts; purchase orders; order acknowledgements; invoices; checks; money orders; credit memoranda; debit memoranda; contracts; agreements; studies; tabulations; charts; graphs; photographs; photostats; mimeographs; typewriting; painting; graphic reproductions; film; handwriting; video tape recordings; audio tape recordings; compact discs; analysis; books; articles; magazines; newspapers; booklets; circulars; bulletins; notices; computer files, whether on hard or floppy disk, compact disc, tape or other computer storage devices; computer printouts of any form whatsoever; letters of introduction; letters of referral; health care provider records and billing information; summaries; questionnaires and surveys; memoranda; notebooks of any character; documents of any character; summaries or records of personal conversations; calendars; day-timers; diaries; journals; logs; routing slips or memoranda; reports; publications; minutes or records of meetings and all other communications of any type, including inter and intra-office communications; transcripts of oral testimony or statements; affidavits; reports and/or summaries of investigations; agreements and contracts, including all modifications and/or revisions thereof; working papers; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts or revisions of drafts or translations of any documents; records and dictation belts and tapes; and, all tangible items. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text, or any reproduction thereof, is to be considered a separate document for purposes of this Request. If two or more identical duplicate copies of a document exist, the most legible copy should be produced for purposes of this Request.

7. As used herein in requesting documents, the terms “relate(s),” “refer(s),” and “referring or relating to” mean any and all documents that pertain to, reflect upon, or are in any way logically or factually connected with, or may afford any information regarding, the matter discussed. It shall also mean directly or indirectly supporting, evidencing, describing, mentioning, referring to, contradicting, comprising or concerning.

8. “And,” “or” and “and/or” shall be construed as conjunctive or disjunctive to ensure the provision of additional information or more complete answers and to avoid the requests herein being considered ambiguous, inaccurate or confusing.

9. The singular form of a word used herein shall be construed to mean the plural, and the plural to mean the singular, when doing so would ensure the provision of additional information

or more complete answers and would avoid the questions herein being considered ambiguous, inaccurate or confusing.

10. “Describe in detail” does not mean to provide a cryptic or evasive answer. “Describe in detail” means to provide all facts, names, addresses and telephone numbers, dates, places, times, conclusions, legal bases, reasons, expectations, understandings, and other information necessary to squarely and fully answer the entire inquiry, with particularity and specificity.

11. “Disability,” as used in these interrogatories, means a mental or physical impairment that substantially limits at least one major life activity of an individual, a record of such an impairment, or being regarded as having such an impairment.

12. When referring to a document in answer to an Interrogatory, “identify” means that you shall set forth the general nature of the document, the author or the originator, each addressee, all individuals designated on the document to receive a copy or otherwise known to have received a copy, date, title and general subject matter, the present custodian of the original and each copy thereof and the last known address of each such custodian. “Identify,” when referring to documents, does not include your attorneys’ notes (unless read by someone other than your attorneys) or correspondence between you and your attorneys (unless a third person has seen such correspondence).

13. When referring to a person in answer to an Interrogatory, “identify” means that you shall set forth the full name of the person, any assumed names that the person uses, his/her work address and work telephone numbers, his/her home address and home telephone number, and the addresses and telephone numbers of any temporary work locations or domiciles of the person.

14. In answering the Interrogatories, when referring to a business or non-business entity (whether for-profit corporation, non-profit corporation, professional association, professional corporation, general partnership, limited partnership, sole proprietorship, trust, or otherwise), whether de jure or de facto, “identify” means that you shall set forth the name of the business or non-business entity; all addresses and telephone numbers; its officers, directors, partners (general or limited), trustees, proprietors, managers, and other persons or other entities in positions of control or ownership, its registered agent, if any, and any assumed names.

INTERROGATORIES

INTERROGATORY NO. 1: Identify the beginning and end dates of any periods of unpaid leave you have had while employed by United Airlines, Inc., regardless of whether such leave periods were the result of a voluntary request, United-imposed policy, or otherwise from March 1, 2020 through the present.

ANSWER:

INTERROGATORY NO. 2: Identify any healthcare providers with whom you have discussed any immunizations or vaccinations since the age of 18. For each healthcare provider, identify their name, their address, their professional title, the dates of conversation(s), the content of conversation(s), and any recommendations received.

ANSWER:

INTERROGATORY NO. 3: Identify any religious, spiritual, or faith leaders and/or congregant with whom you have discussed any immunizations or vaccinations since the age of 18. For each religious leader or congregant, identify their name, their address, their religious or spiritual affiliation, their religious or spiritual title, the dates of conversation(s), the content of conversation(s), and any advice or recommendations received.

ANSWER:

INTERROGATORY NO. 4: Identify any vaccines or immunizations you have received since the age of 18. For each vaccine or immunization, identify the date(s) you received the vaccine or immunization, the vaccine or immunization you received, the purpose for receiving the vaccine or immunization, and the name and address of the healthcare provider that recommended and administered the vaccine or immunization.

ANSWER:

INTERROGATORY NO. 5: Identify any vaccines or immunizations that you declined or refused to receive because of religious, spiritual or faith-based objections since the age of 18.

ANSWER:

INTERROGATORY NO. 6: Identify any vaccines or immunizations that you declined or refused to receive because of medical concerns or Disability since the age of 18.

ANSWER:

INTERROGATORY NO. 7: Describe your efforts or efforts made on your behalf, to secure employment or self-employment with United, or otherwise beginning on August 6, 2021 through such time as any period of unpaid leave ended or, if you are no longer employed with United, through the time of trial. Your answer should include sufficient information to provide a fair and responsive answer, including, but not limited to, the name, address and telephone number of each employer or prospective employer contacted; the date of the contact; the person(s) contacted; the date of follow-up contacts, if any; whether an application or resume was submitted; the position for which you applied; and the results of the effort (i.e., whether an offer was made, a rejection letter was received or nothing was received).

ANSWER:

INTERROGATORY NO. 8: Identify each employer or the source, date and amount of all employment-related compensation, benefits or monetary payments you received or for whom you have performed any work while on the leave(s) of absence from United or after your employment with United ended that you were asked to identify in Interrogatory 1 above (e.g., salary, medical and dental insurance, workers' compensation, long-term disability benefits, social security benefits, unemployment compensation).

ANSWER:

INTERROGATORY NO. 9: Identify each test for COVID-19 infection or antibodies you have taken from January 1, 2020 through the time of trial. For each test, identify the date of the test, who administered the test (e.g., self-administered, CVS (with address), physician office with identify); the result of the test, the type of test (antigen or PCR) and the manufacturer of the test.

ANSWER:

INTERROGATORY NO.10: Identify every reason given to you by United, including reasons given by current or former employees of United, for the decision to put you on unpaid leave in connection with or as a result of your request for an exemption from United's COVID-19 vaccine policy. For each reason, identify: the person communicating the reason; the date of the communication; the location where the communication occurred; identify any witnesses to the communication; whether the communication was in person, in writing or by some other means; and the specific reasons given for the placement on leave.

ANSWER:

INTERROGATORY NO. 11: Identify any internal complaints or grievances concerning or relating to any discrimination, harassment or retaliation that you made to any manager, supervisor, or human resources/employee relations representative of United from August 6, 2021 through the time of trial. Your answer should include the date of the complaint, to whom it was made, how it was made, the substance of the complaint, and any response received.

ANSWER:

INTERROGATORY NO. 12: For any damages you seek to recover in this Lawsuit, including any back pay sought for any periods of time identified in Interrogatory Number 1 above, identify each category of damages, the maximum amount of damages sought for each category of damages, the computation of damages, including the time period of such loss or the number of hours used in calculating the loss, the exact amount of monetary compensation sought for such loss, and set forth the actual calculations and methodology by which you compute such loss, and identify all documents and other evidentiary material, not otherwise privileged or protected, on which such computation is based.

ANSWER:

INTERROGATORY NO. 13: If you seek to recover damages for mental anguish, emotional distress or other compensatory damages, identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers, and any other person with whom you have consulted or from whom you have received any treatment since August 6, 2016. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

INTERROGATORY NO. 14: Identify each Disability that forms the basis of any claim asserted in this Lawsuit. For each Disability, identify any diagnosis you have received for the Disability, the beginning and ending dates (if any) of such Disability; any major life activities that are affected by the Disability and any healthcare providers (including mental healthcare providers) from whom you sought any care or treatment for such Disability including the dates of such care or treatment.

ANSWER:

INTERROGATORY NO. 15: Identify any assignment, job, schedule and/or flight you bid on and did not receive or did not bid on because United's COVID vaccine and/or accommodation policies, including but not limited to policies concerning international travel, from August 6, 2021 to present, excluding the period that you were on unpaid leave, and identify each person with whom you communicated about and/or who considered or participated in any decision about each such bid. For each flight, include the date of the flight, time of the flight, destination of the flight, route of the flight including miles and stops, the flight you ended up taking instead of the desired flight, and any disparity in income or other compensation that the change in flights had on you.

ANSWER:

INTERROGATORY NO. 16: Identify each request for reasonable accommodation that you made to Defendant. For each request, identify the date of the request, the content of the request, the person(s) to whom you made the request, whether the request was written or oral, and content of response to the request along with the identity of the responder(s) and provide a copy of any written, recorded, or electronic requests for accommodation.

ANSWER:

INTERROGATORY NO. 17: If you contend that any current or former employee of Defendant did or said anything that you thought was inappropriate or offensive because of your religion, disability and/or vaccine status identify the date, time and place of such statements or actions, the specific action or statement made, the person making or taking the action or statement, any witnesses that may have been present, whether the statement was oral or written, and identify any document that refers to the statement or action.

ANSWER:

INTERROGATORY NO. 18: Identify all putative class members, including putative absent class members or other named plaintiffs with whom you have communicated concerning any of the claims in this Lawsuit and the date of such communications.

ANSWER:

INTERROGATORY NO. 19: Identify and describe all communications you have had with Airline Employees 4 Health Freedom (AE4HF), US Freedom Flyers or any of their members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 to present.

ANSWER:

INTERROGATORY NO. 20: Identify and describe any instructions you received, from persons other than your counsel, prior to and/or in connection with this litigation with respect to removing social media posts or other materials regarding vaccines, your opposition to vaccines, masking or testing or the United vaccine policy.

ANSWER:

INTERROGATORY NO. 21: Identify what if any law firms and/or for-profit or non-profit legal services organizations you contend currently and/or previously communicated with and/or represented you in connection with any claims in this Lawsuit.

ANSWER:

INTERROGATORY NO. 22: Identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers with whom you have consulted or from whom you have received any treatment in the last 5 years. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

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/s/ Russell D. Cawyer
Russell D. Cawyer

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5. These Interrogatories are addressed to Plaintiff, Plaintiff’s agents, attorneys, or auditors or any of them.

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

1. The term “person” shall mean and include a natural or artificial person, individual, partnership, firm, association, joint venture, corporation or any kind of business or legal entity, its agents or employees.

2. The terms “you,” “your,” “Plaintiff,” and “Hamilton” in these interrogatories refer to Plaintiff Kimberly A. Hamilton and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on Plaintiff’s behalf, including Plaintiff’s attorneys, consultants, experts, investigators, agents, representatives or other persons acting, or who have acted, on Plaintiff’s behalf.

3. The term “United” or “Defendant” means United Airlines, Inc., and to each person who, with respect to the subject matter of the request, was or is acting or purporting to act on United’s behalf, including United’s attorneys, consultants, experts, investigators, agents or other persons acting on United’s behalf.

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or more complete answers and would avoid the questions herein being considered ambiguous, inaccurate or confusing.

10. “Describe in detail” does not mean to provide a cryptic or evasive answer. “Describe in detail” means to provide all facts, names, addresses and telephone numbers, dates, places, times, conclusions, legal bases, reasons, expectations, understandings, and other information necessary to squarely and fully answer the entire inquiry, with particularity and specificity.

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12. When referring to a document in answer to an Interrogatory, “identify” means that you shall set forth the general nature of the document, the author or the originator, each addressee, all individuals designated on the document to receive a copy or otherwise known to have received a copy, date, title and general subject matter, the present custodian of the original and each copy thereof and the last known address of each such custodian. “Identify,” when referring to documents, does not include your attorneys’ notes (unless read by someone other than your attorneys) or correspondence between you and your attorneys (unless a third person has seen such correspondence).

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14. In answering the Interrogatories, when referring to a business or non-business entity (whether for-profit corporation, non-profit corporation, professional association, professional corporation, general partnership, limited partnership, sole proprietorship, trust, or otherwise), whether de jure or de facto, “identify” means that you shall set forth the name of the business or non-business entity; all addresses and telephone numbers; its officers, directors, partners (general or limited), trustees, proprietors, managers, and other persons or other entities in positions of control or ownership, its registered agent, if any, and any assumed names.

INTERROGATORIES

INTERROGATORY NO. 1: Identify the beginning and end dates of any periods of unpaid leave you have had while employed by United Airlines, Inc., regardless of whether such leave periods were the result of a voluntary request, United-imposed policy, or otherwise from March 1, 2020 through the present.

ANSWER:

INTERROGATORY NO. 2: Identify any healthcare providers with whom you have discussed any immunizations or vaccinations since the age of 18. For each healthcare provider, identify their name, their address, their professional title, the dates of conversation(s), the content of conversation(s), and any recommendations received.

ANSWER:

INTERROGATORY NO. 3: Identify any religious, spiritual, or faith leaders and/or congregant with whom you have discussed any immunizations or vaccinations since the age of 18. For each religious leader or congregant, identify their name, their address, their religious or spiritual affiliation, their religious or spiritual title, the dates of conversation(s), the content of conversation(s), and any advice or recommendations received.

ANSWER:

INTERROGATORY NO. 4: Identify any vaccines or immunizations you have received since the age of 18. For each vaccine or immunization, identify the date(s) you received the vaccine or immunization, the vaccine or immunization you received, the purpose for receiving the vaccine or immunization, and the name and address of the healthcare provider that recommended and administered the vaccine or immunization.

ANSWER:

INTERROGATORY NO. 5: Identify any vaccines or immunizations that you declined or refused to receive because of religious, spiritual or faith-based objections since the age of 18.

ANSWER:

INTERROGATORY NO. 6: Identify any vaccines or immunizations that you declined or refused to receive because of medical concerns or Disability since the age of 18.

ANSWER:

INTERROGATORY NO. 7: Describe your efforts or efforts made on your behalf, to secure employment or self-employment with United, or otherwise beginning on August 6, 2021 through such time as any period of unpaid leave ended or, if you are no longer employed with United, through the time of trial. Your answer should include sufficient information to provide a fair and responsive answer, including, but not limited to, the name, address and telephone number of each employer or prospective employer contacted; the date of the contact; the person(s) contacted; the date of follow-up contacts, if any; whether an application or resume was submitted; the position for which you applied; and the results of the effort (i.e., whether an offer was made, a rejection letter was received or nothing was received).

ANSWER:

INTERROGATORY NO. 8: Identify each employer or the source, date and amount of all employment-related compensation, benefits or monetary payments you received or for whom you have performed any work while on the leave(s) of absence from United or after your employment with United ended that you were asked to identify in Interrogatory 1 above (e.g., salary, medical and dental insurance, workers' compensation, long-term disability benefits, social security benefits, unemployment compensation).

ANSWER:

INTERROGATORY NO. 9: Identify each test for COVID-19 infection or antibodies you have taken from January 1, 2020 through the time of trial. For each test, identify the date of the test, who administered the test (e.g., self-administered, CVS (with address), physician office with identify); the result of the test, the type of test (antigen or PCR) and the manufacturer of the test.

ANSWER:

INTERROGATORY NO.10: Identify every reason given to you by United, including reasons given by current or former employees of United, for the decision to put you on unpaid leave in connection with or as a result of your request for an exemption from United's COVID-19 vaccine policy. For each reason, identify: the person communicating the reason; the date of the communication; the location where the communication occurred; identify any witnesses to the communication; whether the communication was in person, in writing or by some other means; and the specific reasons given for the placement on leave.

ANSWER:

INTERROGATORY NO. 11: Identify any internal complaints or grievances concerning or relating to any discrimination, harassment or retaliation that you made to any manager, supervisor, or human resources/employee relations representative of United from August 6, 2021 through the time of trial. Your answer should include the date of the complaint, to whom it was made, how it was made, the substance of the complaint, and any response received.

ANSWER:

INTERROGATORY NO. 12: For any damages you seek to recover in this Lawsuit, including any back pay sought for any periods of time identified in Interrogatory Number 1 above, identify each category of damages, the maximum amount of damages sought for each category of damages, the computation of damages, including the time period of such loss or the number of hours used in calculating the loss, the exact amount of monetary compensation sought for such loss, and set forth the actual calculations and methodology by which you compute such loss, and identify all documents and other evidentiary material, not otherwise privileged or protected, on which such computation is based.

ANSWER:

INTERROGATORY NO. 13: If you seek to recover damages for mental anguish, emotional distress or other compensatory damages, identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers, and any other person with whom you have consulted or from whom you have received any treatment since August 6, 2016. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

INTERROGATORY NO. 14: Identify each Disability that forms the basis of any claim asserted in this Lawsuit. For each Disability, identify any diagnosis you have received for the Disability, the beginning and ending dates (if any) of such Disability; any major life activities that are affected by the Disability and any healthcare providers (including mental healthcare providers) from whom you sought any care or treatment for such Disability including the dates of such care or treatment.

ANSWER:

INTERROGATORY NO. 15: Identify any assignment, job, schedule and/or flight you bid on and did not receive or did not bid on because United's COVID vaccine and/or accommodation policies, including but not limited to policies concerning international travel, from August 6, 2021 to present, excluding the period that you were on unpaid leave, and identify each person with whom you communicated about and/or who considered or participated in any decision about each such bid. For each flight, include the date of the flight, time of the flight, destination of the flight, route of the flight including miles and stops, the flight you ended up taking instead of the desired flight, and any disparity in income or other compensation that the change in flights had on you.

ANSWER:

INTERROGATORY NO. 16: Identify each request for reasonable accommodation that you made to Defendant. For each request, identify the date of the request, the content of the request, the person(s) to whom you made the request, whether the request was written or oral, and content of response to the request along with the identity of the responder(s) and provide a copy of any written, recorded, or electronic requests for accommodation.

ANSWER:

INTERROGATORY NO. 17: If you contend that any current or former employee of Defendant did or said anything that you thought was inappropriate or offensive because of your religion, disability and/or vaccine status identify the date, time and place of such statements or actions, the specific action or statement made, the person making or taking the action or statement, any witnesses that may have been present, whether the statement was oral or written, and identify any document that refers to the statement or action.

ANSWER:

INTERROGATORY NO. 18: Identify all putative class members, including putative absent class members or other named plaintiffs with whom you have communicated concerning any of the claims in this Lawsuit and the date of such communications.

ANSWER:

INTERROGATORY NO. 19: Identify and describe all communications you have had with Airline Employees 4 Health Freedom (AE4HF), US Freedom Flyers or any of their members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 to present.

ANSWER:

INTERROGATORY NO. 20: Identify and describe any instructions you received, from persons other than your counsel, prior to and/or in connection with this litigation with respect to removing social media posts or other materials regarding vaccines, your opposition to vaccines, masking or testing or the United vaccine policy.

ANSWER:

INTERROGATORY NO. 21: Identify what if any law firms and/or for-profit or non-profit legal services organizations you contend currently and/or previously communicated with and/or represented you in connection with any claims in this Lawsuit.

ANSWER:

INTERROGATORY NO. 22: Identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers with whom you have consulted or from whom you have received any treatment in the last 5 years. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER:

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 21st day of February, 2023:

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/s/ Russell D. Cawyer
Russell D. Cawyer

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et al.*,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

Civil Action No.: 4:21-01074-P

**PLAINTIFFS RESPONSES AND OBJECTIONS TO
DEFENDANT'S FIRST REQUESTS FOR PRODUCTION**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs Alyse Medlin, Charles Burk, David Castillo, David Sambrano, Debra Jennefer Thal Jonas, Genise Kincannon, Jarrad Rains, and Kimberly Hamilton ("Plaintiffs") hereby serve these responses to Defendant's First Requests for Production of Documents ("Requests").

OBJECTIONS TO DEFINITIONS

1. Plaintiffs object to Definition B because it includes attorneys for Plaintiffs. Defendant cannot, through that definition, impose an obligation on Plaintiffs to disclose information or documents that were prepared in anticipation of litigation or trial and thus protected as attorney work product and/or information or documents that are protected by the attorney-client privilege.

ADDITIONAL STATEMENTS

1. Plaintiffs have responded to the Requests as they interpret and understand them. If Defendant subsequently asserts an interpretation of any Request that differs from Plaintiffs'



understanding, Plaintiffs reserve the right to supplement or amend these objections and/or responses.

2. Plaintiffs reserve the right to continue and complete their investigation and discovery of the facts, and to rely at trial or in other proceedings on documents and information in addition to the information provided herein, regardless of whether such information is newly discovered or newly in existence.

3. Plaintiffs reserve the right to revise, amend, correct, supplement, modify or clarify their objections and responses in accordance with the Federal Rules of Civil Procedure.

4. Plaintiffs' responses to these Requests are not an admission either that any Request or any response thereto is relevant to, or admissible as evidence in, any trial or other proceeding. All objections as to privilege, immunity, relevance, authenticity or admissibility of any information or documents referred to in this document or produced in response to any Request are expressly reserved.

RESPONSES AND OBJECTIONS

1. Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your religion.

RESPONSE: Plaintiffs object to this request as overbroad and unduly burdensome in its request for "all" documents regarding the identified topics. Plaintiffs also object to this request to the extent it seeks documents covered by any applicable privilege, including the attorney-client privilege and the attorney work product doctrine.

Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri v. Sec. Am. Inc.*, No. 3:09-cv-1568-F, 2011 WL 13228268, at *2 (N.D. Tex. Apr. 4, 2011) ("In regard to class action certification decisions ..., the Fifth Circuit has provided that it is 'imperative' that 'the district

court be permitted to limit pre-certification discovery to evidence that, in its sound judgment, would be ‘necessary or helpful’ to the certification decision.’”) (quoting *Stewart v. Winter*, 669 F.2d 328, 331 (5th Cir. 1982)). This request seeks documents related to the merits of Plaintiffs’ claims, rather than related to class certification, and “[i]t is well settled that the merit of the claim of the class representative is irrelevant at the class certification hearing.” *Brinkerhoff v. Rockwell Int’l Corp.*, 83 F.R.D. 478, 481 (N.D. Tex. 1979) (citing *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974)).

Subject to and without waiving the foregoing objections, Plaintiffs are willing to produce non-privileged documents responsive to this Request and relevant to class certification if Defendant will provide reasonable search terms to use for ESI searches. Additionally, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs’ claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

2. Produce all documents you contend show that United intentionally discriminated against you or retaliated against you because of your Disability.

RESPONSE: Plaintiffs Medlin, Burk, Castillo, Sambrano, Kincannon, and Hamilton object to this request as they did not claim disability-related discrimination. *See* 2d Am. Compl. ¶¶ 213–21. These Plaintiffs requested only religious accommodations, and thus this Request does not seek evidence relevant to any claim or defense related to these Plaintiffs. Accordingly, these Plaintiff have no records responsive to this request.

Plaintiffs Jonas and Rains object to this request as overbroad and unduly burdensome in its request for “all” documents regarding the identified topics. Plaintiffs Jonas and Rains also object to this request to the extent it seeks documents covered by any applicable privilege, including the attorney-client privilege and the attorney work product doctrine.

Furthermore, Plaintiffs Jonas and Rains object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. This request seeks documents related to the merits of Plaintiffs' claims, rather than related to class certification, and "[i]t is well settled that the merit of the claim of the class representative is irrelevant at the class certification hearing." *Brinkerhoff*, 83 F.R.D. at 481.

Subject to and without waiving the foregoing objections, Plaintiffs Jonas and Rains are willing to produce non-privileged documents responsive to this Request and relevant to class certification if Defendant will provide reasonable search terms to use for ESI searches.

Additionally, Plaintiffs Jonas and Rains will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs' claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

3. Produce all documents showing your efforts or efforts made on your behalf to obtain employment or self-employment other than with United from August 6, 2020 through time of trial, including, but not limited to, all resumes, job applications, letters, newspaper advertisements, agreements and correspondence with employment agencies or headhunters, notes, lists of potential employers contacted or visited, and all correspondence submitted, received, or made in connection with any search for employment.

RESPONSE: Plaintiffs object to this request as overbroad and unduly burdensome in its request for "all" documents regarding the identified topics. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Whether a plaintiff mitigated his or her damages does not bear on the appropriateness of a class action. *See* 7A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Fed. Practice & Procedure* § 1788 at 123–34 (3d ed. 2005); *Ibe v. Jones*, 836 F.3d 516, 529 (5th Cir. 2016) ("[I]ndividualized damages calculations will not preclude a finding of predominance.").

Subject to and without waiving the foregoing objections, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs' claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

4. Produce all communications with any health care providers regarding vaccines or immunizations since the age of 18 including but not limited to any records of vaccines or immunizations you have received.

RESPONSE: Plaintiffs object to this Request as it is overbroad and unduly burdensome. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving the foregoing objection, Plaintiffs will produce responsive, non-privileged documents, should any such documents exist.

5. Produce all documents describing any employment benefits, flight or travel benefits, medical coverage, retirement benefits and disability benefits that have been made available to you in connection with any employment since August 6, 2020.

RESPONSE: Plaintiffs object to this Request as it is overbroad and unduly burdensome. Plaintiffs further object to this request as vague and ambiguous as it fails to define its key terms "employment benefits, flight or travel benefits, medical coverage, retirement benefits and disability benefits." Additionally, this Request is unduly burdensome because it seeks records that are in Defendant's possession and thus are equally available to Defendant. Requiring Plaintiffs to search for and locate such records is thus unnecessary, inappropriate, and unduly burdensome. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Accordingly, for the foregoing reasons, Plaintiffs will not produce any records in response to this Request.

6. Produce all summary plan descriptions for all employment benefits you were eligible to receive or have been provided since August 6, 2020.

RESPONSE: Plaintiffs object to this Request as it is overbroad and unduly burdensome. Plaintiffs further object to this request as vague and ambiguous as it fails to define its key terms “summary plan descriptions” and “all employment benefits.” Additionally, this Request is unduly burdensome because it seeks records that are in Defendant’s possession and thus are equally available to Defendant. Requiring Plaintiffs to search for and locate such records is thus unnecessary, inappropriate, and unduly burdensome. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Accordingly, for the foregoing reasons, Plaintiffs will not produce any records in response to this Request.

7. Produce all communications with any religious or spiritual advisors regarding vaccines or immunizations since the age of 18.

RESPONSE: Plaintiffs object to this Request as it is overbroad and unduly burdensome. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving the foregoing objection, Plaintiffs will produce responsive, non-privileged documents, should any such documents exist.

8. Produce all documents upon which you rely to support your allegations of damages in this Lawsuit.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome in its request for “all” documents regarding the identified topic. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. The amount of Plaintiffs’ damages from Defendant’s unlawful actions does not bear on the appropriateness of a class action.

See 7A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Fed. Practice & Procedure* § 1788 at 123–34 (3d ed. 2005); *Ibe v. Jones*, 836 F.3d 516, 529 (5th Cir. 2016) (“[I]ndividualized damages calculations will not preclude a finding of predominance.”).

Subject to and without waiving the foregoing objections, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs’ claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

9. Produce all documents you have obtained by subpoena, deposition on written questions, federal or state open records requests, or authorization by you in connection with this case.

RESPONSE: Plaintiffs object to this request as overbroad and unduly burdensome in its request for “all” documents regarding the identified topic. Plaintiffs further object to this Request to the extent it seeks records protected by any applicable privilege, including the attorney-client privilege and/or attorney work product doctrine. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. See *Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving the foregoing, Plaintiffs respond that they are not aware of any such records.

10. Produce all documents constituting, referring to, or pertaining to any allegations and/or complaints of discrimination that you made to Defendant during the course of your employment with Defendant.

RESPONSE: Plaintiffs object to this Request because it is overbroad and unduly burdensome, as it is not limited to complaints that are relevant to the claims or defenses in this case. Plaintiffs further object to this Request because it seeks records that are not relevant to any claims or defenses in this matter. Additionally, this Request is unduly burdensome because it seeks records that are in Defendant’s possession and thus are equally available to Defendant.

Requiring Plaintiffs to search for and locate such records is thus unnecessary, inappropriate, and unduly burdensome. Accordingly, for the foregoing reasons, Plaintiffs will not produce any records in response to this Request.

11. Produce all documents constituting, concerning, or otherwise relating to any communication between any person(s) that is related to your employment with Defendant or any of the matters alleged in your Complaint and/or that contain recorded conversations with any present or former employee of Defendant. This includes any correspondence you received from or sent to Defendant regarding your separation of employment with Defendant. For each recording, please produce the original and any transcript made of the recording.

RESPONSE: Plaintiffs object to this Request because it is overbroad, unduly burdensome, and not relevant as it is not limited to communications in which Plaintiffs were involved, or even to communications related to the claims or defenses in this matter. Moreover, Plaintiffs object to this Request to the extent it seeks documents covered by any applicable privilege, including the attorney-client privilege and the attorney work product doctrine. Furthermore, Plaintiffs object to this Request as it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Finally, Plaintiffs object to the specific request for “any correspondence you received from or sent to Defendant,” as it seeks records that are in Defendant’s possession and thus are equally available to Defendant. Requiring Plaintiffs to search for and locate such records is thus unnecessary, inappropriate, and unduly burdensome.

Subject to and without waiving the foregoing objections, Plaintiffs are willing to meet and confer about the scope of this Request at an appropriate time during this litigation after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

12. Produce all job descriptions and other documents that describe, concern, or relate to your job duties and responsibilities with Defendant during the course of your employment with Defendant.

RESPONSE: Plaintiffs object to this Request as it is overbroad and unduly burdensome.

Plaintiffs further object to this Request because it is unduly burdensome as it seeks records that are in Defendant's possession and thus are equally available to Defendant. Requiring Plaintiffs to search for and locate such records is thus unnecessary, inappropriate, and unduly burdensome. Accordingly, for the foregoing reasons, Plaintiffs will not produce any records in response to this Request.

13. Produce all communications sent to or received from the EEOC or Fair Employment Practice Agency or any other governmental agency, body, official, or tribunal, including but not limited to any State Attorney General's Office, from August 6, 2020 relating to United's COVID-19 vaccine policy, including but not limited to charges of discrimination, intake questionnaires, inquiries and other documents and communications.

RESPONSE: Plaintiffs object to this Request because it is overbroad, unduly burdensome, and not relevant as it is not limited to complaints that are relevant to the claims or defenses in this case. Plaintiffs also object to this Request because it is not limited to communications in which Plaintiffs were involved. Moreover, Plaintiffs object to this Request to the extent it seeks documents covered by any applicable privilege, including the attorney-client privilege and the attorney work product doctrine. Finally, Plaintiffs object to this Request as it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving the foregoing objections, Plaintiffs are willing to meet and confer about the scope of this Request at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

14. Produce copies of your federal income tax returns from 2019 to the present, including all schedules and attachments thereto.

RESPONSE: Plaintiffs object to this Request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. The amount of Plaintiffs' damages from Defendant's unlawful actions does not bear on the appropriateness of a class action. *See* 7A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Fed. Practice & Procedure* § 1788 at 123–34 (3d ed. 2005); *Ibe v. Jones*, 836 F.3d 516, 529 (5th Cir. 2016) (“[I]ndividualized damages calculations will not preclude a finding of predominance.”).

Subject to and without waiving the foregoing objections, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs' claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

15. Produce all documents supporting or evidencing any claim you made against United for economic losses.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome as it purports to seek records regarding claims made in any other action involving Defendant. This Request therefore seeks records having no relevance to any party's claim or defense in this matter. Plaintiffs also object to this Request to the extent it seeks documents protected by any applicable privilege, including attorney-client privilege and/or attorney work product doctrine. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. The amount of Plaintiffs' damages from Defendant's unlawful actions does not bear on the appropriateness of a class action. *See* 7A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Fed. Practice &*

Procedure § 1788 at 123–34 (3d ed. 2005); *Ibe*, 836 F.3d at 529 (“[I]ndividualized damages calculations will not preclude a finding of predominance.”).

Subject to and without waiving the foregoing objections, Plaintiffs are willing to meet and confer about the scope of this Request at an appropriate time during this litigation after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

16. Produce all diaries, calendars, daily, weekly or monthly planners or daytimers, appointment books, notes, electronic mail, notebooks, journals or similar documents maintained by you since August 6, 2021 through time of trial.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome because it is not limited to entries that relate to the claims or defenses in this matter. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving the foregoing objections, Plaintiffs are willing to meet and confer about the scope of this Request at an appropriate time during this litigation after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

17. Produce all video, oral, taped, electronically recorded, or written statement or conversation of any person made during your employment with Defendant or about your employment with Defendant or any of the matters alleged in the Lawsuit and/or that contain recorded conversations with any present or former employee of Defendant. For each recording or statement, also produce the original recording or statement and any transcripts made of the recording or statement.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome because it is not limited to recordings that relate to the claims or defenses in this matter. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving the foregoing objections, Plaintiffs are willing to meet and confer about the scope of this Request at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

18. Produce all text messages, email messages, voicemail messages, photographs, and any other tangible items or communications of any kind sent to or received from any person about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from August 6, 2020 through time of trial. This request does not seek communications sent solely to or from your attorneys.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome because it seeks communications and documents sent "to or received from any person." Additionally, Plaintiffs object to this Request because it purports to request records beyond those relevant to a party's claim or defense in this matter. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving the foregoing objections, Plaintiffs are willing to produce non-privileged documents responsive to this Request and relevant to class certification if Defendant will provide reasonable search terms to use for ESI searches. Additionally, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs' claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

19. Produce all paystubs, check receipts or other documents showing payments made to you for work performed from January 1, 2021 to present.

RESPONSE: Plaintiffs object to this Request as it is overbroad and unduly burdensome. Additionally, to the extent this Request seeks documents relevant to damages or mitigation of damages, Plaintiffs object as this Request is premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2.

Additionally, this Request is unduly burdensome because it seeks records that are in Defendant's possession and thus are equally available to Defendant. Requiring Plaintiffs to search for and locate such records is thus unnecessary, inappropriate, and unduly burdensome.

Subject to and without waiving the foregoing objections, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs' claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

20. Produce all emails you forwarded from your United work e-mail address from August 6, 2021, to any personal email address.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome because it seeks communications that are not relevant to any claim or defense in this matter. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving the foregoing objections, Plaintiffs are willing to produce non-privileged documents responsive to this Request and relevant to class certification if Defendant will provide reasonable search terms to use for ESI searches. Additionally, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs' claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

21. Produce all W-2s for the last three (3) years.

RESPONSE: Plaintiffs object to this Request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. The amount of Plaintiffs' damages from Defendant's unlawful actions does not bear on the appropriateness of a class action. *See* 7A Charles Alan Wright, Arthur R. Miller & Mary Kay

Kane, *Fed. Practice & Procedure* § 1788 at 123–34 (3d ed. 2005); *Ibe*, 836 F.3d at 529 (“[I]ndividualized damages calculations will not preclude a finding of predominance.”). Additionally, this Request is unduly burdensome because it seeks records that are in Defendant’s possession and thus are equally available to Defendant. Requiring Plaintiffs to search for and locate such records is thus unnecessary, inappropriate, and unduly burdensome.

Subject to and without waiving the foregoing objections, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs’ claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

22. Produce any communications you sent to or received from with any religious or spiritual leaders about the subject of United’s vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through time of trial.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome. Furthermore, Plaintiffs object to this request as premature because seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. This Request seeks documents related to the merits of Plaintiffs’ claims, rather than related to the class certification, and “[i]t is well settled that the merit of the claim of the class representative is irrelevant at the class certification hearing.” *Brinkerhoff*, 83 F.R.D. at 481.

Subject to and without waiving the foregoing objections, Plaintiffs are willing to produce non-privileged documents responsive to this Request and relevant to class certification if Defendant will provide reasonable search terms to use for ESI searches. Additionally, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs’ claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

23. Produce any communications sent to or received from any third party, other than United, about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself, from January 1, 2020 through the time of trial. This request does not seek communications with your attorneys.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome because it seeks communications and documents sent "to or received from any third party." Additionally, Plaintiffs object to this Request because it purports to request records beyond those relevant to a party's claim or defense in this matter. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Additionally, Plaintiffs object to this Request to the extent that it seeks communications protected by any applicable privilege, including attorney-client privilege, attorney work product doctrine, common interest privilege, and/or First Amendment privilege. Defendant cannot demonstrate a compelling need for these privileged materials as the documents requested are neither relevant nor proportional to the needs of the case. *Jolivet v. Compass Grp. USA, Inc.*, 340 F.R.D. 7, 18 (N.D. Tex. 2021) (citing Fed. R. Civ. P. 26(b)(3)(B)).

Subject to and without waiving the foregoing objections, Plaintiffs are willing to produce non-privileged documents responsive to this Request and relevant to class certification if Defendant will provide reasonable search terms to use for ESI searches. Additionally, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs' claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

24. Produce all communications with Airline Employees 4 Health Freedom (AE4HF) members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome because it seeks "all" communications about the various identified topics. Additionally, Plaintiffs object to this Request because all communications it seeks are protected by various privileges, including the attorney-client privilege, attorney work product doctrine, common interest privilege, and/or First Amendment privilege. Defendant cannot demonstrate a compelling need for these privileged materials as the documents requested are neither relevant nor proportional to the needs of the case. *Jolivet*, 340 F.R.D. at 18 (citing Fed. R. Civ. P. 26(b)(3)(B)). Accordingly, Plaintiffs will not produce records responsive to this Request.

25. Produce all communications with members of Congress and/or their staffs, including but not limited to U.S. Senators Ted Cruz, Roger Marshall, Rick Scott, Marsha Blackburn from January 1, 2020 through the time of trial about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome as it seeks records having no relevance to any party's claim or defense in this matter. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving the foregoing objections, Plaintiffs are willing to meet and confer about the scope of this Request at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

26. Produce all communications (written, video, audio) sent to or received from any news media about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, or this Lawsuit itself.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome as it seeks records having no relevance to any party's claim or defense in this matter. Furthermore, Plaintiffs object to this Request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving these objections, Plaintiffs respond that they are not aware of any records in her possession that are responsive to this Request.

27. Produce all vaccine or immunization records from any health care provider from whom you received any care, diagnosis or treatment since age 18.

RESPONSE: Plaintiffs objects to this Request as it is overbroad and unduly burdensome. Plaintiffs also object to this Request as duplicative of Request Number 4.

Subject to and without waiving the foregoing objection, Plaintiffs will produce responsive, non-privileged documents, should any such documents exist.

28. Produce all communications sent to or received from United about the subject of United's vaccine policy, the COVID-19 vaccine, your requests for accommodation, your placement on unpaid leave, this Lawsuit itself, and/or your employment from June 2020 to present.

RESPONSE: Plaintiffs object to this Request as it is overbroad and unduly burdensome because it seeks records that are in Defendant's possession and thus are equally available to Defendant. Requiring Plaintiffs to search for and locate such records is thus unnecessary, inappropriate, and unduly burdensome. Accordingly, for the foregoing reasons, Plaintiffs will not produce any records in response to this Request.

29. Produce all employment offers and/or employment rejection letters you received from August 6, 2020, through time of trial.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome in its request for "all" documents regarding the identified topics. Furthermore, Plaintiffs object to this

Request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Whether a plaintiff mitigated his or her damages does not bear on the appropriateness of a class action. *See* 7A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Fed. Practice & Procedure* § 1788 at 123–34 (3d ed. 2005); *Ibe v. Jones*, 836 F.3d 516, 529 (5th Cir. 2016) (“[I]ndividualized damages calculations will not preclude a finding of predominance.”).

Subject to and without waiving the foregoing objections, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs’ claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

30. Produce all documents evidencing your application(s) for or receipt of unemployment benefits, if any, and all documents, if any, that you submitted to or received from any state, federal, or municipal agency related to unemployment benefits from August 6, 2020 through time of trial.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome in its request for “all” documents regarding the identified topics. Furthermore, Plaintiffs object to this Request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Whether a plaintiff mitigated his or her damages does not bear on the appropriateness of a class action. *See* 7A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Fed. Practice & Procedure* § 1788 at 123–34 (3d ed. 2005); *Ibe v. Jones*, 836 F.3d 516, 529 (5th Cir. 2016) (“[I]ndividualized damages calculations will not preclude a finding of predominance.”).

Subject to and without waiving the foregoing objections, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs’ claims at

an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

31. Produce all documents, including correspondence, payroll check stubs, W-2 and 1099 forms, non-negotiable checks, checking and savings account deposit slips, money order receipts, invoices, receipts, applications or claims for benefits, determinations of eligibility for benefits and account statements that show any wages, benefits or other remuneration you received while you were on unpaid leave from United from any source, including employment compensation and benefits, disability benefits, workers' compensation benefits, social security benefits, unemployment compensation and self-employment compensation and benefits.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome in its Request for "all" documents regarding the identified topics. Furthermore, Plaintiffs object to this Request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Plaintiffs' damages and whether a plaintiff mitigated those damages does not bear on the appropriateness of a class action. *See* 7A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Fed. Practice & Procedure* § 1788 at 123–34 (3d ed. 2005); *Ibe v. Jones*, 836 F.3d 516, 529 (5th Cir. 2016) ("[I]ndividualized damages calculations will not preclude a finding of predominance.").

Subject to and without waiving the foregoing objections, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs' claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

32. If you contend that you have a medical condition that should exempt you from receipt of the COVID-19 vaccine, produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for the medical condition that should exempt you from the vaccine.

RESPONSE: Plaintiffs Medlin, Burk, Castillo, Sambrano, Kincannon, and Hamilton object to this Request as they did not claim disability-related discrimination. *See* 2d Am. Compl. ¶¶ 213–21. These Plaintiffs requested only religious accommodations, and thus this Request does

not seek evidence relevant to any claim or defense related to these Plaintiffs. Accordingly, these Plaintiff have no records responsive to this Request.

Plaintiffs Jonas and Rains object to this Request as overbroad and unduly burdensome in its request for “all” documents regarding the identified topic. Plaintiffs Jonas and Rains also object to this Request to the extent it seeks documents covered by any applicable privilege, including the attorney-client privilege and the attorney work product doctrine.

Furthermore, Plaintiffs Jonas and Rains object to this Request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. This Request seeks documents related to the merits of Plaintiffs’ claims, rather than related to the class certification, and “[i]t is well settled that the merit of the claim of the class representative is irrelevant at the class certification hearing.” *Brinkerhoff*, 83 F.R.D. at 481.

Subject to and without waiving the foregoing objections, Plaintiffs Jonas and Rains will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs’ claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

33. Produce a signed and executed copy of the Authorization to Release Protected Health Care Information attached as Exhibit A.

RESPONSE: Plaintiffs Medlin, Burk, Castillo, Sambrano, Kincannon, and Hamilton object to this request as they did not claim disability-related discrimination. *See* 2d Am. Compl. ¶¶ 213–21. Accordingly, these Plaintiffs will not produce a signed Authorization.

Plaintiffs Jonas and Rains object to this Request as premature because their medical records are not relevant to class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Rather, this Request seeks documents related to the merits of Plaintiffs’ claims, and “[i]t is well settled

that the merit of the claim of the class representative is irrelevant at the class certification hearing.”

Brinkerhoff, 83 F.R.D. at 481.

Subject to and without waiving the foregoing objections, Plaintiffs Jonas and Rains will provide signed Authorizations at an appropriate time during this litigation after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

34. Produce all records reflecting any contributions to any religious organizations you have made in the last ten years.

RESPONSE: Plaintiffs object to this Request as it is overbroad and unduly burdensome. Additionally, this Request seeks records that are not relevant to any party’s claim or defense in this case. Moreover, this Request seeks records that are protected by the First Amendment and Plaintiffs’ right to freely associate.

In light of the foregoing, Plaintiffs will not produce records in response to this Request.

35. Produce copies of any joint defense agreement you have with any other person, entity or party from August 6, 2021 through time of trial.

RESPONSE: Plaintiffs object to this Request to the extent that it seeks material covered by any applicable privilege, including the attorney-client privilege, work product doctrine, or other applicable privilege. Additionally, Plaintiffs object to this Request because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Accordingly, Plaintiffs will not produce records responsive to this Request at this point.

36. Produce copies of all agreements where any person or entity agreed to indemnify you, pay your attorney’s fees or advance you fees or costs to prosecute this Lawsuit.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome in its request for “all” documents regarding the identified topics. Plaintiffs further object to this Request to the extent that it seeks material covered by any applicable privilege, including the attorney-client privilege, work product doctrine, or other applicable privilege. Furthermore, Plaintiffs

object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. The payment of attorneys' fees has no bearing on whether the Court should grant Plaintiffs' forthcoming motion for class certification. Accordingly, Plaintiffs will not produce records responsive to this Request at this point.

37. Produce all Form 1099-G's showing the amount of any unemployment compensation paid to you from January 1, 2021 through time of trial.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome in its request for "all" documents regarding the identified topics. Furthermore, Plaintiffs object to this Request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. The specific amount of damages, and whether a plaintiff mitigated his or her damages, does not bear on the appropriateness of a class action. *See* 7A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Fed. Practice & Procedure* § 1788 at 123–34 (3d ed. 2005); *Ibe v. Jones*, 836 F.3d 516, 529 (5th Cir. 2016) ("[I]ndividualized damages calculations will not preclude a finding of predominance.").

Subject to and without waiving the foregoing objections, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs' claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

38. Produce all documents you reviewed regarding vaccinations and immunizations prior to submitting your request to United for exemption from receiving the COVID-19 vaccine.

RESPONSE: Plaintiffs object to this Request on the grounds that it is overbroad, unduly burdensome, and seeks documents not relevant to any party's claim or defense in this litigation. This Request does not seek records that support Plaintiffs' request for an accommodation, but rather *any* document Plaintiffs reviewed about an extraordinarily broad topic. Moreover, even if

this were relevant to a claim or defense in this case, this Request is premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving the foregoing objections, Plaintiffs are willing to meet and confer about the scope of this Request at an appropriate time during this litigation after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

39. Produce a copy of your Instagram account activity including comments, likes, messages and deleted items from August 6, 2021 to present for any Instagram account you have used. To download your activity, log into each Instagram account, select "Settings"; "Privacy and Security"; "Download Data" and request a download link of your activity.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome. Additionally, this Request seeks records that are not relevant any party's claim or defense in this matter.

Subject to and without waiving the foregoing objections, Plaintiffs are willing to meet and confer about the scope of this Request and will produce relevant, non-privileged documents responsive to this Request if Defendant will provide reasonable search terms to use for ESI searches.

40. Produce a copy of your Facebook account activity, including comments, likes, messages and deleted items from August 6, 2021 to present for any Facebook account you have used. To download your activity, log into each Facebook account click the upside down triangle in the top right of Facebook. Select Settings & Privacy. In the left column, click Your Facebook Information. Next to Download Your Information, click View and follow the instructions from there.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome. Additionally, this Request seeks records that are not relevant any party's claim or defense in this matter.

Subject to and without waiving the foregoing objections, Plaintiffs are willing to meet and confer about the scope of this Request and will produce relevant, non-privileged documents

responsive to this Request if Defendant will provide reasonable search terms to use for ESI searches.

41. Produce all medical and billing records from any health care provider that you have received any treatment, diagnosis or evaluation for any Disability. Disability has the same meaning as used in the Americans with Disabilities Act and means a physical or mental impairment that substantially limits a major life activity; a record of a physical or mental impairment that substantially limits a major life activity; or being regarded or perceived as having physical or mental impairment that substantially limits a major life activity.

RESPONSE: Plaintiffs Medlin, Burk, Castillo, Sambrano, Kincannon, and Hamilton object to this Request as they did not claim disability-related discrimination. *See* 2d Am. Compl. ¶¶ 213–21. These Plaintiffs requested only religious accommodations, and thus this Request does not seek evidence relevant to any claim or defense related to these Plaintiffs. Accordingly, these Plaintiff have no records responsive to this Request.

Plaintiffs Jonas and Rains object to this Request as overbroad and unduly burdensome. Furthermore, Plaintiffs Jonas and Rains object to this Request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. This Request seeks documents related to the merits of Plaintiffs’ claims, rather than related to the class certification, and “[i]t is well settled that the merit of the claim of the class representative is irrelevant at the class certification hearing.” *Brinkerhoff*, 83 F.R.D. at 481.

Plaintiffs Jonas and Rains will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs’ claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

42. If you seek to recover attorneys’ fees in this suit, produce the contract or representation arrangement between you and your attorneys, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys’ compensation for representation in this Lawsuit.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome in its request for “all” documents regarding the identified topics. Furthermore, Plaintiffs object to this

Request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. The payment of attorneys' fees has no bearing on whether the Court should grant Plaintiffs' forthcoming motion for class certification. Plaintiffs also object to this Request as it seeks communications protected by various privileges, including the attorney-client privilege and the attorney work product doctrine. Accordingly, Plaintiffs will not produce records responsive to this Request at this point.

43. If you seek to recover attorneys' fees in this suit, produce any agreement between you, your attorneys, and any third party, including but not limited to Liberty Counsel, past and present, that relates to your representation in this Lawsuit or the arrangement for your attorneys' compensation for representation in this Lawsuit.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome in its request for "all" documents regarding the identified topics. Plaintiffs also object to this Request as it seeks communications protected by various privileges, including the attorney-client privilege and the attorney work product doctrine. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. The payment of attorneys' fees has no bearing on whether the Court should grant Plaintiffs' forthcoming motion for class certification. Accordingly, Plaintiffs will not produce records responsive to this Request at this point.

44. If you seek to recover attorneys' fees in this Lawsuit, produce all invoices from or payments to any attorney(s) you have hired or consulted in connection with the subject matter of this Lawsuit dated, created or generated from August 6, 2021 to the present.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome in its request for "all" documents regarding the identified topics. Plaintiffs also object to this Request as it seeks communications protected by various privileges, including the attorney-client privilege and the attorney work product doctrine. Furthermore, Plaintiffs object to this Request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See*

Billitteri, 2011 WL 13228268, at *2. The payment of attorneys' fees has no bearing on whether the Court should grant Plaintiffs' forthcoming motion for class certification. Accordingly, Plaintiffs will not produce records responsive to this Request at this point.

45. If you seek to recover attorneys' fees in this Lawsuit, produce any timesheets billing logs, billing statements or other documents that reflect the time spent working or billing by your attorney(s) on this Lawsuit from August 6, 2021 to the present.

RESPONSE: Plaintiffs object to this Request as overbroad and unduly burdensome in its request for "all" documents regarding the identified topics. Plaintiffs also object to this Request as it seeks communications protected by various privileges, including the attorney-client privilege and the attorney work product doctrine. Furthermore, Plaintiffs object to this Request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. The payment of attorneys' fees has no bearing on whether the Court should grant Plaintiffs' forthcoming motion for class certification. Accordingly, Plaintiffs will not produce records responsive to this Request at this point.

46. Produce all documents showing you were subject to harassment or a hostile work environment including, but not limited to, complaints, reports, or communications describing the harassment.

RESPONSE: Plaintiffs object to this Request because it seeks records that are not relevant to either party's claims or defenses, as Plaintiffs have not advanced a hostile work environment claim in the Second Amended Complaint. Additionally, Plaintiffs object to this Request as overbroad and unduly burdensome in its request for "all" documents regarding the identified topic. Plaintiffs also object to this Request to the extent it seeks documents covered by any applicable privilege, including the attorney-client privilege and the attorney work product doctrine.

Furthermore, Plaintiffs object to this Request as premature because seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2 ("In regard to class action certification decisions ..., the Fifth Circuit has provided that it is

‘imperative’ that ‘the district court be permitted to limit pre-certification discovery to evidence that, in its sound judgment, would be ‘necessary or helpful’ to the certification decision.’”) (quoting *Stewart*, 669 F.2d at 331). This Request seeks documents related to the merits of Plaintiffs’ claims, rather than related to the class certification, and “[i]t is well settled that the merit of the claim of the class representative is irrelevant at the class certification hearing.” *Brinkerhoff*, 83 F.R.D. at 481.

Subject to and without waiving the foregoing objections, Plaintiffs will produce non-privileged documents responsive to this Request and relevant to the merits of Plaintiffs’ claims at an appropriate time during this litigation after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

April 7, 2023

Respectfully submitted,

/s/ John C. Sullivan

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**COUNSEL FOR PLAINTIFFS
AND THE PROPOSED CLASS**

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et al.*,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

Civil Action No.: 4:21-01074-P

**PLAINTIFFS' RESPONSES AND OBJECTIONS TO
DEFENDANT'S FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33, Plaintiffs provide the following responses and objections to Defendant's First Set of Interrogatories.

GENERAL STATEMENT

The responses herein are based upon information and documentation presently available and known to Plaintiffs. Plaintiffs have not completed their investigation, discovery, analysis, and preparation in this matter, all of which may result in modification of these responses including objections. Plaintiffs reserve the right to amend and/or supplement their responses and objections pursuant to further investigation.

Plaintiffs' responses herein are based on a reasonable understanding of Defendant's Interrogatories and the accompanying definitions and instructions. If Defendant subsequently asserts any interpretation of any Interrogatory, definition, or instruction that differs from Plaintiffs' understanding, Plaintiffs reserve the right to supplement the responses and objections set forth herein. Plaintiffs' responses shall not constitute an admission or concession regarding any interpretations or definitions used in Defendant's Interrogatories.



OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

Plaintiffs object to Instructions 2 and 5 and Definition 2, to the extent they purport to require Plaintiffs to provide information protected by any applicable privilege, including the attorney-client privilege and/or work product doctrine. Defendant cannot, through those Instructions and Definition, impose an obligation on Plaintiffs to disclose otherwise privileged information.

RESPONSES AND OBJECTIONS

INTERROGATORY NO. 1: Identify the beginning and end dates of any periods of unpaid leave you have had while employed by United Airlines, Inc., regardless of whether such leave periods were the result of a voluntary request, United-imposed policy, or otherwise from March 1, 2020 through the present.

ANSWER: Plaintiffs object to this Interrogatory as unduly burdensome because it seeks information from Plaintiffs that is in Defendant's possession, custody, and control and thus equally available to Defendant. Requiring Plaintiffs to provide this same information is thus unnecessary, inappropriate, and unduly burdensome. Additionally, Plaintiffs object to this Interrogatory because the specific start and end dates of the periods of time when Defendant forced its employees onto unpaid leave are irrelevant to class certification.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Sambrano. Plaintiff Sambrano responds that United placed him on unpaid leave due to his religious beliefs from approximately November 11, 2021, through March 30, 2022. Plaintiff Sambrano refers to United's records for the precise dates of this period of unpaid leave.

Plaintiff Kincannon. Plaintiff Kincannon was on unpaid leave under the Family and Medical Leave Act from approximately July 5, 2021, through August 1, 2021, as she recovered from shoulder surgery. Additionally, United placed Plaintiff Kincannon on unpaid leave due to

her religious beliefs from approximately November 16, 2021, through March 30, 2022. Plaintiff Kincannon refers to United's records for the precise dates of this period of unpaid leave.

Plaintiff Castillo. Plaintiff Castillo responds that he has not been on unpaid leave since March 1, 2020. He was scheduled to be terminated at the end of September 2021, but became a litigant in this lawsuit and was subsequently extended an accommodation from United's vaccine mandate.

Plaintiff Hamilton. Plaintiff Hamilton responds that she has not been on unpaid leave since March 1, 2020.

Plaintiff Jonas. Plaintiff Jonas responds that she has not been on unpaid leave since March 1, 2020.

Plaintiff Medlin. Plaintiff Medlin has been on periods of unpaid maternity leave from United Airlines since March 2018. Specifically, to the best of her recollection, Plaintiff Medlin began a period of unpaid maternity leave in or around March 2018, which lasted through March 2019. Plaintiff Medlin began another period of unpaid maternity leave in or around April 2019, which lasted October 2020. When her maternity leave ended, Plaintiff Medlin was subject to a furlough, although she does not recall the specific dates of the furlough. When she returned from furlough at the end of 2020, Plaintiff Medlin returned to unpaid maternity leave, which lasted through the time United terminated her employment.

In making these responses, Plaintiff Medlin notes that she does not have access to records providing the specific dates and has instead provided this information to the best of her recollection. As United maintains records of each such period of leave, Plaintiff Medlin refers to those records in United's possession, custody, or control.

Plaintiff Burk. Plaintiff Burk responds that he has not been on unpaid leave since March 1, 2020.

Plaintiff Rains. Plaintiff Rains was on unpaid leave from November 2021 through March 2022. Plaintiff Rains refers United to its records for the specific dates of his period of unpaid leave.

INTERROGATORY NO. 2: Identify any healthcare providers with whom you have discussed any immunizations or vaccinations since the age of 18. For each healthcare provider, identify their name, their address, their professional title, the dates of conversation(s), the content of conversation(s), and any recommendations received.

ANSWER: Plaintiffs object to this Interrogatory as unduly vague and overbroad because its reference to “healthcare providers” is not defined or limited to medical professionals who were providing care to Plaintiffs. Rather, as written, this Interrogatory would require Plaintiffs to identify anyone in the healthcare profession with whom they discussed the various identified topics. Plaintiffs further object to this Interrogatory as unduly vague and burdensome, as it requests information from Plaintiffs that spans several decades. Furthermore, Plaintiffs object to this Interrogatory as premature because it seeks information beyond the appropriate scope of class-certification discovery. *See Billitteri v. Sec. Am. Inc.*, No. 3:09-cv-1568-F, 2011 WL 13228268, at *2 (N.D. Tex. Apr. 4, 2011) (“In regard to class action certification decisions ..., the Fifth Circuit has provided that it is ‘imperative’ that ‘the district court be permitted to limit pre-certification discovery to evidence that, in its sound judgment, would be ‘necessary or helpful’ to the certification decision.’”) (quoting *Stewart v. Winter*, 669 F.2d 328, 331 (5th Cir. 1982)). Moreover, Plaintiffs object to this Interrogatory because it seeks information that is also not relevant to the merits of any claim or defense in this matter. Here, Defendant accepted the accommodation request for all employees it forced (or threatened to force) onto unpaid leave, and it thus has no basis now to probe the sincerity of those beliefs. Moreover, per EEOC guidance,

employers must accept the sincerity of employees' expressed religious beliefs absent an objective basis for questioning those beliefs,¹ which Defendant lacks.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Sambrano. Plaintiff Sambrano's general physician is Dr. Derek Lang. Plaintiff Sambrano believes that he spoke with Dr. Lang regarding COVID-19 in or around July 27, 2021. The subject matter of that conversation was Plaintiff Sambrano's COVID-19 treatment. Dr. Lang's address is: 789 Lonesome Dove Trail, Hurst, TX 76054. Before Dr. Lang, Plaintiff Sambrano was treated by Dr. Anthony Rectore but does not recall any specific conversations with Dr. Rector regarding vaccines. Additionally, Plaintiff Sambrano has been seen by FAA Medical Examiner Dr. Brad Griffin but does not recall any specific conversations with Dr. Griffin regarding any vaccines.

Plaintiff Kincannon. Plaintiff Kincannon does not recall any specific discussions with medical providers about vaccines. Plaintiff Kincannon believes that a physician or nurse practitioner she has seen previously may have made a passing reference to flu shots or may have asked during intake whether Plaintiff Kincannon has received a shingles vaccine, but she does not recall specifically and does not recall either topic leading to any "discussion."

Plaintiff Castillo. Plaintiff Castillo does not recall any specific discussions with medical providers about vaccines. Plaintiff Castillo believes that a healthcare provider may have made a passing reference to flu shots but does not recall specifically and does not recall any related "discussion."

Plaintiff Hamilton. Plaintiff Hamilton is routinely pressured by medical providers to receive vaccines (e.g., shingles, flu, pneumonia, etc.). While Plaintiff Hamilton does not recall the

¹ See EEOC Guidance on Religious Discrimination § 12-IV.A.2.

details of each such discussion, she has had such discussions with at least the following providers:

(1) Dr. Carlos Bazaldua, 5232 Colleyville Blvd., #100, Colleyville, TX 76034; (2) Dan Petr (PA), 6221 Colleyville Blvd., Colleyville, TX 76034. Additionally, Plaintiff Hamilton is also pressured about these same issues when she simply goes to a pharmacy like CVS to pick up a prescription. Although Plaintiff Hamilton has received vaccines in the past (*see* response to Interrogatory No. 4 below), she has routinely resisted this pressure from medical providers.

Plaintiff Jonas. Dr. Gloria Anding—from whom United Airlines has received multiple letters—has attested to Plaintiff Jonas’s vaccine allergies. Her address is: Gloria Kelley Anding, M.D., 479 Westpark Way, Euless, TX, 76040. Other than that, nurses or other healthcare professionals may have asked from time to time if Plaintiff Jonas wanted a flu shot but she always declined them and does not recall any specific instances of discussing immunizations.

Plaintiff Medlin. Plaintiff Medlin responds that she has only discussed her receipt of vaccines with one medical provider. Specifically, she discussed the flu shot and whooping cough vaccines with her physician when pregnant but does not recall the details of those discussions or the specific reasons for receiving those vaccines. Those discussions occurred in approximately 2016, and the medical provider’s name and address are: Dr. Natalie Moore, 2800 E. Broad St. #100, Mansfield, TX, 76063. After those discussions, Plaintiff Medlin received both the flu shot and the whooping cough vaccine.

Plaintiff Burk. Plaintiff Burk recalls a conversation about a tetanus shot with a corpsman on base at the Naval Air Station in Miramar, California approximately 23 years ago but does not remember anything more specific about the healthcare provider who made the comment while examining his chart. When he was in the military, Plaintiff Burk received the usual vaccines required.

Plaintiff Rains. Plaintiff Rains discussed vaccination with his heart doctor in the Summer and Fall of 2021. His name and address are: Dr. Rocky Bilhartz, 1721 Birmingham Dr., College Station, TX 77845. Prior to that, Plaintiff Rains does not recall any specific conversations about vaccination with healthcare providers.

INTERROGATORY NO. 3: Identify any religious, spiritual, or faith leaders and/or congregant with whom you have discussed any immunizations or vaccinations since the age of 18. For each religious leader or congregant, identify their name, their address, their religious or spiritual affiliation, their religious or spiritual title, the dates of conversation(s), the content of conversation(s), and any advice or recommendations received.

ANSWER: Plaintiffs object to this Interrogatory as unduly vague and overbroad because its reference to “religious, spiritual, or faith leaders and/or congregant” is not defined or limited to such individuals who were providing religious guidance or counseling to Plaintiffs. Rather, as written, this Interrogatory purports to require Plaintiffs to identify any such individual with whom they spoke about the various identified topics, even if those discussions were only in passing and were not within the scope of any religious function. Further, the Interrogatory’s reference to congregants is overbroad and unduly burdensome, as it would require Plaintiffs to identify any member of any congregation with whom Plaintiffs spoke about the identified topics. *Congregant*, Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/congregant> (“one who congregates”). Plaintiffs also object to this Interrogatory as unduly vague and burdensome, as it requests information from Plaintiffs that spans several decades. Furthermore, Plaintiffs object to this Interrogatory as premature because it seeks information beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Moreover, Plaintiffs object to this Interrogatory because it seeks information that is also not relevant to the merits of any claim or defense in this matter. Here, Defendant accepted the accommodation request for any employee it forced (or threatened to force) onto unpaid leave, and it thus has no basis now to probe the sincerity of those beliefs. Moreover, per EEOC guidance, employers must accept the sincerity of

employees' expressed religious beliefs absent an objective basis for questioning those beliefs,² which Defendant lacks. Finally, Plaintiffs object to this Interrogatory to the extent it seeks information protected by clergy-penitent privilege.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Sambrano. Plaintiff Sambrano responds that he spoke with Pastor Lorena Valle regarding the religious exemption for the COVID-19 vaccine and United's requirement for a pastor or other third party to validate his faith. Ms. Valle is a pastor at Gateway Church, which is located at 540 S Nolen Dr., Southlake, TX 76092. As he has spoken with Pastor Valle on many occasions, Plaintiff Sambrano cannot recall the specific dates when he spoke about these matters with Pastor Valle, but they were on or before September 5, 2021. During those discussions, Pastor Valle discussed Gateway's stance on religious exemptions for the COVID-19 vaccine. The details of that discussion, however, are protected by the clergy-penitent privilege. Other than Pastor Valle, Plaintiff Sambrano does not recall speaking with any other religious leader about any vaccine.

Plaintiff Kincannon. Plaintiff Kincannon responds that she has not discussed vaccines with any such religious or spiritual leaders.

Plaintiff Castillo. Plaintiff Castillo responds that he has not discussed vaccines with any such religious or spiritual leaders as he has none as a Buddhist.

Plaintiff Hamilton. Plaintiff Hamilton responds that she conferred several times with Father Anthony Brankin about conscience-related matters involving the COVID-19 vaccine. These conversations occurred at various times from 2021 through the present. As Father Brankin is a close friend of Plaintiff Hamilton's, they communicate several times each month, and they have done so for approximately 50 years. The details of these discussions, however, are protected

² See EEOC Guidance on Religious Discrimination § 12-IV.A.2.

by the clergy-penitent privilege. Father Brankin is now retired and resides at 4943 North Council Hill Road, Galena, IL 61036.

Plaintiff Jonas. Plaintiff Jonas responds that she has not discussed vaccines with any such religious or spiritual leaders but that this is irrelevant since she was prevented from filing a religious accommodation request due to the constraints of “Help Hub.”

Plaintiff Medlin. Plaintiff Medlin responds that she has had no such conversations.

Plaintiff Burk. Plaintiff Burk had a conversation with a Chaplain friend whose name is Darin Ashley, Senior Chaplain at Christ Connection Chaplaincy. As United is aware, he attested to the sincerity of Plaintiff Burk’s beliefs and convictions regarding the vaccine. The details of those discussions, however, are protected by the clergy-penitent privilege.

Plaintiff Rains. Plaintiff Rains has had multiple conversations with his pastor over the past 13 years regarding vaccinations and the Bible. His name and address are: Pastor Trey Johnson, 401 College Park Dr., Ste. 3207, Weatherford, TX 76086. The details of those discussions, however, are protected by the clergy-penitent privilege.

INTERROGATORY NO. 4: Identify any vaccines or immunizations you have received since the age of 18. For each vaccine or immunization, identify the date(s) you received the vaccine or immunization, the vaccine or immunization you received, the purpose for receiving the vaccine or immunization, and the name and address of the healthcare provider that recommended and administered the vaccine or immunization.

ANSWER: Plaintiffs object to this Interrogatory as overbroad and unduly burdensome in that it seeks information that, for several Plaintiffs, spans decades. Furthermore, Plaintiffs object to this Interrogatory as premature because it seeks information beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Moreover, Plaintiffs object to this Interrogatory because it seeks information that is also not relevant to the merits of any claim or defense in this matter. Here, Defendant accepted the accommodation request for all employees it forced (or threatened to force) onto unpaid leave, and it thus has no basis now to probe the

sincerity of those beliefs. Moreover, per EEOC guidance, employers must accept the sincerity of employees' expressed religious beliefs absent an objective basis for questioning those beliefs,³ which Defendant lacks.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Sambrano. Plaintiff Sambrano responds that he received the Yellow Fever vaccine in approximately 2015. To the best of his recollection, he received this vaccine from William Weaver, Chicago, IL, who was a United provider for Yellow Fever vaccination, which United required for pilots to fly to Nigeria. He received this vaccine to protect himself from Yellow Fever, as required by United. The Yellow Fever vaccine card Plaintiff Sambrano received stated that he had received the following vaccines: TdVax, Hepatitis A & B, Meningitis, Typhoid, and Polio, which apparently are part of the Yellow Fever protocol. Plaintiff Sambrano does not recall receiving any other vaccinations since the age of 18.

Plaintiff Kincannon. Plaintiff Kincannon responds that she has occasionally received a flu shot. To the best of her recollection, she last received a flu shot in 2018. As Plaintiff Kincannon did not give much thought to the issue at the time, she does not recall a specific "purpose for receiving" the flu shot. She received this most recent flu shot at CVS, located at 5900 W Pleasant Ridge, Arlington, TX 76016. Plaintiff Kincannon also believes she received a flu shot in 2009 when traveling to China, where a swine flu outbreak was occurring. Plaintiff Kincannon likely also received this flu shot from the same CVS. Plaintiff Kincannon also received a tetanus shot approximately 15 years ago after an injury but does not recall the specific date or location.

Plaintiff Castillo. Plaintiff Castillo responds that he received a flu shot when living in California approximately 20-25 years ago. He does not recall precisely when or where given the

³ See EEOC Guidance on Religious Discrimination § 12-IV.A.2.

length of time it has been since he has received a vaccine, but he believes it was at the Kaiser Permanente Hospital in Hayward, CA. Plaintiff Castillo does not recall receiving any other vaccines since he was 18.

Plaintiff Hamilton. Plaintiff Hamilton responds that she has received vaccines in the past. To the best of her recollection, she has received the following: (1) Diphtheria & Tetanus booster (DT) in April 1994; (2) Hepatitis B vaccine (3 dose) in or around the early 2000s; (3) Hepatitis A vaccine (2 dose) in 2004 and 2005; and (4) a tetanus shot in 2004. To the best of her recollection, Plaintiff Hamilton received each of these from the Tarrant County Public Health Department. The address for the Health Department is 100 E. Weatherford, Fort Worth, TX 76196. Plaintiff Hamilton received the tetanus shot due to an injury, but she does not recall the specific circumstances. Further, Plaintiff Hamilton received the Hepatitis vaccines when her children were in school, and it was recommended through a food safety class.

Plaintiff Jonas. Plaintiff Jonas responds that she received a tetanus shot approximately 10 years ago when dealing with an emergency finger injury. The nurse gave it to her as a matter of course at the Care Now Clinic, 5301 William D. Tate Ave., Grapevine, TX 76051. Plaintiff Jonas does not recall receiving any other vaccines since the age of 18.

Plaintiff Medlin. Plaintiff Medlin responds that she has received the flu shot on two occasions in 2019 and 2020 while pregnant. Additionally, she received the whooping cough vaccine in 2016. The purpose of receiving these vaccines was to protect against illness. Plaintiff Medlin received these vaccines from Dr. Natalie Moore & Dr. Angalene Jackson, 2800 Broad St., #100, Mansfield, TX 76063.

Plaintiff Burk. Plaintiff Burk responds that, to the best of his knowledge, he received the standard Department of Defense vaccine schedule when he joined the Marines Corps in June of

1988 and followed that schedule until retiring from the military in 2016. Plaintiff Burk has provided a record of such vaccines to Defendant in response to document requests.

Plaintiff Rains. Plaintiff Rains responds that he received an MMR vaccine in 2003 and the flu shot in 2019 for the birth of his daughter. He does not recall precisely who administered the vaccines.

INTERROGATORY NO. 5: Identify any vaccines or immunizations that you declined or refused to receive because of religious, spiritual or faith-based objections since the age of 18.

ANSWER: Plaintiffs object to this Interrogatory as overbroad and unduly burdensome in that it seeks information that, for several Plaintiffs, spans decades. Furthermore, Plaintiffs object to this Interrogatory as premature because it seeks information beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Moreover, Plaintiffs object to this Interrogatory because it seeks information that is also not relevant to the merits of any claim or defense in this matter. Here, Defendant accepted the accommodation request for all employees it forced (or threatened to force) onto unpaid leave, and it thus has no basis now to probe the sincerity of those beliefs. Moreover, per EEOC guidance, employers must accept the sincerity of employees' expressed religious beliefs absent an objective basis for questioning those beliefs,⁴ which Defendant lacks.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Sambrano. Plaintiff Sambrano does not recall any specific vaccine that he has refused previously due to religious beliefs. More generally, Plaintiff Sambrano believes that his body is a temple of the Holy Spirit, and, because of that, he is routinely focused on understanding details about what he puts into his body.

⁴ See EEOC Guidance on Religious Discrimination § 12-IV.A.2.

Plaintiff Kincannon. Plaintiff Kincannon does not recall any specific vaccine that she has refused previously due to religious beliefs. Plaintiff Kincannon further responds that she did not previously have the information or ability to research such issues. Now that she has had the ability to research the issue more, she is very concerned with the religious issues implicated by receiving vaccines like the COVID-19 vaccine that involve the use of fetal stem cell lines.

Plaintiff Castillo. Plaintiff Castillo does not recall any specific vaccine that he has refused prior to the COVID-19 vaccine due to religious beliefs. More generally, Plaintiff Castillo does not receive immunizations and has not in more than two decades because he sees them as unnecessary under his religious beliefs.

Plaintiff Hamilton. Plaintiff Hamilton does not recall refusing any previous vaccines for religious reasons. She has always been mindful of what she puts into her body, recognizing that it is the temple of the Holy Spirit. And this has generally led Plaintiff Hamilton not to receive various vaccines or medications. But the COVID-19 vaccine was the first time when Plaintiff Hamilton took notice of the serious issues of conscience that are presented by a vaccine that, among other things, involved the use of fetal stem cell lines.

Plaintiff Jonas. Plaintiff Jonas already refuses vaccines due to medical reasons.

Plaintiff Medlin. Plaintiff Medlin responds that the COVID-19 vaccine was the first instance in which she concluded, after prayerful consideration, that receiving a particular vaccine raised serious religious concerns.

Plaintiff Burk. Plaintiff Burk declines to get an annual flu vaccine for religious reasons. Outside of the COVID-19 vaccine United forced on him, Plaintiff Burk has refused all vaccines since leaving the military seven years ago.

Plaintiff Rains. Plaintiff Rains declines to get regular shots (such as the annual flu vaccine) for religious reasons. With the exception of the single flu shot he was coerced into taking for his daughter's birth, he has refused all vaccines for the past two decades.

INTERROGATORY NO. 6: Identify any vaccines or immunizations that you declined or refused to receive because of medical concerns or Disability since the age of 18.

ANSWER: Plaintiffs object to this Interrogatory as overbroad and unduly burdensome in that it seeks information that, for several Plaintiffs, spans decades. Furthermore, Plaintiffs object to this Interrogatory as premature because it seeks information beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Moreover, Plaintiffs object to this Interrogatory because it seeks information that is also not relevant to the merits of any claim or defense in this matter. Here, Defendant accepted the accommodation request for all employees it forced (or threatened to force) onto unpaid leave, and it thus has no basis now to probe the sincerity of those reasons. Additionally, Plaintiffs Medlin, Burk, Castillo, Sambrano, Kincannon, and Hamilton object to this Interrogatory as they did not claim disability-related discrimination. Accordingly, these Plaintiffs have no responsive information to provide.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Jonas. Plaintiff Jonas declines to get flu shots, shingles vaccines, and any other immunization regularly recommended by healthcare professionals.

Plaintiff Rains. Plaintiff Rains regularly forgoes all vaccinations.

INTERROGATORY NO. 7: Describe your efforts or efforts made on your behalf, to secure employment or self-employment with United, or otherwise beginning on August 6, 2021 through such time as any period of unpaid leave ended or, if you are no longer employed with United, through the time of trial. Your answer should include sufficient information to provide a fair and responsive answer, including, but not limited to, the name, address and telephone number of each employer or prospective employer contacted; the date of the contact; the person(s) contacted; the date of follow-up contacts, if any; whether an application or resume was submitted; the position for which you applied; and the results of the effort (i.e., whether an offer was made, a rejection letter was received or nothing was received).

ANSWER: Plaintiffs object to this Interrogatory as vague and overbroad as it fails to define its key terms: “efforts or efforts made on your behalf.” Furthermore, Plaintiffs object to this Interrogatory as premature because it seeks information beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Whether a plaintiff mitigated his or her damages does not bear on the appropriateness of a class action. *See* 7A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Fed. Practice & Procedure* § 1788 at 123–34 (3d ed. 2005); *Ibe v. Jones*, 836 F.3d 516, 529 (5th Cir. 2016) (“[I]ndividualized damages calculations will not preclude a finding of predominance.”). Moreover, with respect to attempts to obtain other employment at United, Plaintiffs object to this Interrogatory as unduly burdensome because it seeks information that is in Defendant’s possession, custody, and control and thus equally available to Defendant. Requiring Plaintiffs to provide this same information is thus unnecessary, inappropriate, and unduly burdensome.

Accordingly, Plaintiffs will respond to this Interrogatory with responsive information relevant to the claims or defenses in this matter at an appropriate time after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

INTERROGATORY NO. 8: Identify each employer or the source, date and amount of all employment-related compensation, benefits or monetary payments you received or for whom you have performed any work while on the leave(s) of absence from United or after your employment with United ended that you were asked to identify in Interrogatory 1 above (e.g., salary, medical and dental insurance, workers’ compensation, long-term disability benefits, social security benefits, unemployment compensation).

ANSWER: Plaintiffs object to this Interrogatory as unduly burdensome because it seeks information from Plaintiffs that is in Defendant’s possession, custody, and control and thus equally available to Defendant. Requiring Plaintiffs to provide this same information is thus unnecessary, inappropriate, and unduly burdensome. Furthermore, Plaintiffs object to this Interrogatory as premature because it seeks information beyond the appropriate scope of class-certification

discovery. *See Billitteri*, 2011 WL 13228268, at *2. Whether a plaintiff mitigated his or her damages does not bear on the appropriateness of a class action. *See* 7A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Fed. Practice & Procedure* § 1788 at 123–34 (3d ed. 2005); *Ibe*, 836 F.3d at 529. Accordingly, Plaintiffs will respond to this Interrogatory with responsive information relevant to the claims or defenses in this matter at an appropriate time after the Court issues a decision on Plaintiffs’ forthcoming motion for class certification.

INTERROGATORY NO. 9: Identify each test for COVID-19 infection or antibodies you have taken from January 1, 2020 through the time of trial. For each test, identify the date of the test, who administered the test (e.g., self-administered, CVS (with address), physician office with identify); the result of the test, the type of test (antigen or PCR) and the manufacturer of the test.

ANSWER: Plaintiffs object to this Interrogatory as unduly burdensome and overbroad in the information it seeks. Additionally, as United required several Plaintiffs to provide it with test results during the course of their employment, Plaintiffs object to this Interrogatory as unduly burdensome because it seeks information that is in Defendant’s possession, custody, and control and thus equally available to Defendant. Requiring Plaintiffs to provide this same information is thus unnecessary, inappropriate, and unduly burdensome. Furthermore, Plaintiffs object to this Interrogatory because it seeks information that is not relevant to class certification or any claim or defense in this action.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Sambrano. Plaintiff Sambrano has taken several COVID-19 tests through his employment with United as required by United for flight crews, based on destination requirements. Specifically, Plaintiff Sambrano has taken COVID-19 tests through his employment when United indicated that an international flight required such a test. Each of those test results was negative, and Plaintiff Sambrano refers to United’s records for the specific dates of those tests, as he does not recall them with specificity. Beyond those tests, Plaintiff Sambrano believes he has taken

approximately 2 or 3 other home tests over the course of the pandemic, at least one of which occurred in August 2021. The results of those tests were both positive and negative. Plaintiff Sambrano does not recall further details about those tests.

Plaintiff Kincannon. Plaintiff Kincannon reports she has taken several COVID-19 tests through her employment with United, and she has previously provided the results of those tests to United. Specifically, Plaintiff Kincannon has taken tests when United has required them for travel. Each of those tests was negative, and Plaintiff Kincannon refers to United's records about those tests. Beyond those tests, Plaintiff Kincannon believes the only other COVID-19 test she has taken was in February 2021, when she received a physician-administered PCR test, which came back positive for COVID-19. She took this test at Community Med, located at 2315 E. Southlake Blvd., Southlake, TX 76092. Finally, Plaintiff Kincannon has taken antibody tests on two occasions (March 15, 2022, and September 15, 2022). Both were conducted at LabCorp at 515 W. Mayfield Rd., Arlington, TX 76014, and each showed the presence of antibodies.

Plaintiff Castillo. Plaintiff Castillo reports he has taken several COVID-19 tests through his employment with United, and he has previously provided the results of those tests to United. The company has the records for the two times he missed work for a positive COVID test—once in Denver and once while working at DFW—but Plaintiff Castillo does not recall those exact dates. Plaintiff Castillo refers United to its records for further details about these tests.

Plaintiff Hamilton. Plaintiff Hamilton has taken several COVID-19 tests through her employment at United, and she has uploaded those results to United with the test date/time and a photograph of the results. Plaintiff Hamilton does not have the dates of each such test, as there have been many. Plaintiff Hamilton refers United to its records of those tests.

Beyond the tests taken during the course of her employment with United, Plaintiff Hamilton took an at-home test in December 2022 when she had a sinus infection and her husband had contracted COVID-19. That test came back positive. Plaintiff Hamilton does not recall taking any other COVID-19 tests, and she does not recall taking an antibody test.

Plaintiff Jonas. Plaintiff Jonas reports she has taken several COVID-19 tests through her employment with United, and she has previously provided the results of those tests to United. Plaintiff Jonas does recall the details of those tests, and refers United to its records.

Plaintiff Medlin. Plaintiff Medlin responds that, to the best of her recollection, she has never taken a COVID-19 test.

Plaintiff Burk. Plaintiff Burk reports he has taken several COVID-19 tests through his employment with United, and he has previously provided the results of those tests to United. Specifically, Plaintiff Burk has taken tests when United has required them for travel (primarily in Los Angeles and San Francisco prior to international flights). The only other test he took was a positive test result at the Missoula County, Montana Health Department on November 18, 2021. Plaintiff Burk refers United to its records for further details regarding these tests.

Plaintiff Rains. As a domestic flight attendant, Plaintiff Rains did not have to take any COVID-19 tests through his employment with United. He took one COVID-19 test in February or March 2021, and the only details of that test he recalls is that it was negative. Plaintiff Rains experienced symptoms of COVID in early 2020 before tests were available after working a flight from Toronto to San Francisco and then had mild symptoms again during the Delta outbreak in the Summer of 2021.

INTERROGATORY NO.10: Identify every reason given to you by United, including reasons given by current or former employees of United, for the decision to put you on unpaid leave in connection with or as a result of your request for an exemption from United's COVID-19 vaccine policy. For each reason, identify: the person communicating the reason; the date of the

communication; the location where the communication occurred; identify any witnesses to the communication; whether the communication was in person, in writing or by some other means; and the specific reasons given for the placement on leave.

ANSWER: Plaintiffs object to this Interrogatory as vague, overbroad, and unduly burdensome as it purports to require Plaintiffs to identify any statement made by *any* current or former Defendant employee about the various topics listed. Plaintiffs further object to this Interrogatory as unduly burdensome because it seeks information from Plaintiffs that is in Defendant's possession, custody, and control and thus equally available to Defendant. Requiring Plaintiffs to provide this same information is thus unnecessary, inappropriate, and unduly burdensome. For the foregoing reasons, Plaintiffs will not provide responses to this Interrogatory.

INTERROGATORY NO. 11: Identify any internal complaints or grievances concerning or relating to any discrimination, harassment or retaliation that you made to any manager, supervisor, or human resources/employee relations representative of United from August 6, 2021 through the time of trial. Your answer should include the date of the complaint, to whom it was made, how it was made, the substance of the complaint, and any response received.

ANSWER: Plaintiffs object to this Interrogatory because it seeks information not relevant to any claim or defense in this matter. Plaintiffs further object to this Interrogatory as unduly burdensome because it seeks information from Plaintiffs that is in Defendant's possession, custody, and control and thus equally available to Defendant. Requiring Plaintiffs to provide this same information is thus unnecessary, inappropriate, and unduly burdensome.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Sambrano. Plaintiff Sambrano responds that he has not made any such complaints.

Plaintiff Kincannon. Plaintiff Kincannon responds that she has not made any such complaints.

Plaintiff Castillo. Plaintiff Castillo has sent multiple emails to his supervisor concerning the behavior of his coworkers at DFW. He does not know the exact dates or details of those emails, but he refers United to its personnel records for copies of such emails.

Plaintiff Hamilton. Plaintiff Hamilton responds that she has not made any such complaints.

Plaintiff Jonas. Plaintiff Jonas responds that she has not made any such complaints.

Plaintiff Medlin. Plaintiff Medlin responds that she has not made any such complaints.

Plaintiff Burk. Plaintiff Burk responds that he has not made any such complaints.

Plaintiff Rains. Plaintiff Rains responds that he has not made any such complaints.

INTERROGATORY NO. 12: For any damages you seek to recover in this Lawsuit, including any back pay sought for any periods of time identified in Interrogatory Number 1 above, identify each category of damages, the maximum amount of damages sought for each category of damages, the computation of damages, including the time period of such loss or the number of hours used in calculating the loss, the exact amount of monetary compensation sought for such loss, and set forth the actual calculations and methodology by which you compute such loss, and identify all documents and other evidentiary material, not otherwise privileged or protected, on which such computation is based.

ANSWER: Plaintiffs object to this Interrogatory as unduly burdensome and overbroad. Additionally, Plaintiffs object to this Interrogatory as premature, as discovery remains ongoing, and Plaintiffs are not yet able to determine the specific amounts of damages they have suffered. Moreover, Plaintiffs object to this Interrogatory as duplicative of the information Plaintiffs have already provided in their Initial Disclosures, where they identified the various categories of damages they seek. Plaintiffs also object to this Interrogatory as unduly burdensome because it seeks information from Plaintiffs that is in Defendant's possession, custody, and control and thus equally available to Defendant. Requiring Plaintiffs to provide this same information is thus unnecessary, inappropriate, and unduly burdensome. Furthermore, Plaintiffs object to this request as premature because it seeks documents beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. The amount of Plaintiffs' damages from

Defendant's unlawful actions does not bear on the appropriateness of a class action. *See* 7A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Fed. Practice & Procedure* § 1788 at 123–34 (3d ed. 2005); *Ibe*, 836 F.3d at 529.

Subject to and without waiving the foregoing objections, Plaintiffs direct Defendant to their Initial Disclosures for the categories of damages they seek in this action. Plaintiffs will supplement their responses to this Interrogatory as they obtain additional information and at an appropriate time after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

INTERROGATORY NO. 13: If you seek to recover damages for mental anguish, emotional distress or other compensatory damages, identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or other health care providers, and any other person with whom you have consulted or from whom you have received any treatment since August 6, 2016. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER: Plaintiffs object to this Interrogatory as unduly burdensome and overbroad. Moreover, Plaintiffs object to this Interrogatory as duplicative of the information Plaintiffs have already provided in their Initial Disclosures, where they identified the various categories of damages they seek. Additionally, Plaintiffs object to this Interrogatory as premature, as the names and contact information for every medical professional who has treated Plaintiffs over the past seven years has no relevance to class certification. *See Billitteri*, 2011 WL 13228268, at *2. Moreover, the details of Plaintiffs' damages from Defendant's unlawful actions do not bear on the appropriateness of a class action. *See* 7A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Fed. Practice & Procedure* § 1788 at 123–34 (3d ed. 2005); *Ibe*, 836 F.3d at 529.

Subject to and without waiving the foregoing objections, Plaintiffs direct Defendant to their Initial Disclosures for the categories of damages they seek in this action. Plaintiffs will supplement their responses to this Interrogatory as they obtain additional information and at an appropriate time after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

INTERROGATORY NO. 14: Identify each Disability that forms the basis of any claim asserted in this Lawsuit. For each Disability, identify any diagnosis you have received for the Disability, the beginning and ending dates (if any) of such Disability; any major life activities that are affected by the Disability and any healthcare providers (including mental healthcare providers) from whom you sought any care or treatment for such Disability including the dates of such care or treatment.

ANSWER: Plaintiffs object to this Interrogatory as overbroad and unduly burdensome. Furthermore, Plaintiffs object to this Interrogatory as premature because it seeks information beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Moreover, Plaintiffs object to this Interrogatory because it seeks information that is also not relevant to the merits of any claim or defense in this matter. Here, Defendant accepted the accommodation request for all employees it forced (or threatened to force) onto unpaid leave, and it thus has no basis now to probe the sincerity of those reasons. Additionally, Plaintiffs Medlin, Burk, Castillo, Sambrano, Kincannon, and Hamilton object to this Interrogatory as they did not claim disability-related discrimination. Accordingly, these Plaintiffs have no responsive information to provide.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Jonas. Plaintiff Jonas has a severe allergy disability, and her doctor has informed United on multiple occasions of this severe allergy, including her history of anaphylaxis and vaccine allergies. As noted in the Complaint, Plaintiff Jonas lives with the threat of severe reactions to various allergens at any time. She has suffered from this condition since childhood and must take multiple medications each day along with carrying a rescue inhaler and epi-pen wherever she goes. Every major life activity of Plaintiff Jonas is affected by her allergy as she must constantly be vigilant about what she eats or even touches for fear that it will put her in the hospital or worse. Additionally, her work is affected by what she can even wear. The most recent allergy medical event Plaintiff Jonas suffered was a little over a year ago when she ended up at

Harris Methodist Hospital in Bedford because of an allergic reaction to an antibiotic. These types of reactions have taken place a few times over the past years, including a severe anaphylactic shock in 2004 (for which she went to Harris Methodist), and another episode caused by antibiotics (for which she went to Baylor Hospital in Grapevine).

Plaintiff Rains. Plaintiff Rains has a heart disability (as outlined in the Complaint) evidenced further through his heart stints and repaired aorta. In consultation with his doctor—Dr. Bilhartz, noted above—it was determined that Mr. Rains could not take the COVID-19 vaccine as a result. Plaintiff Rains is affected daily by his cardiovascular disability as even walking up an incline can be difficult. He attempts to do some cardiovascular exercise, but it is cumbersome as his breathing is affected by the heart disability. While the heart stints have improved his circulatory system, it is still affected daily since he was only able to receive two stints instead of the needed three due to the doctors rupturing the third artery with a needle (that caused him to spend extra time in the ICU). Overall, Plaintiff Rains is more easily fatigued and therefore must attempt to stay active outside of work and continually monitor his diet to continue being able to perform his job at United.

INTERROGATORY NO. 15: Identify any assignment, job, schedule and/or flight you bid on and did not receive or did not bid on because United's COVID vaccine and/or accommodation policies, including but not limited to policies concerning international travel, from August 6, 2021 to present, excluding the period that you were on unpaid leave, and identify each person with whom you communicated about and/or who considered or participated in any decision about each such bid. For each flight, include the date of the flight, time of the flight, destination of the flight, route of the flight including miles and stops, the flight you ended up taking instead of the desired flight, and any disparity in income or other compensation that the change in flights had on you.

ANSWER: Plaintiffs object to this Interrogatory as overbroad and unduly burdensome. Additionally, with respect to any bids submitted, Plaintiffs object to this Interrogatory as unduly burdensome because it seeks information from Plaintiffs that is in Defendant's possession, custody, and control and thus equally available to Defendant. Requiring Plaintiffs to provide this

same information is thus unnecessary, inappropriate, and unduly burdensome. Additionally, Plaintiffs object to this Interrogatory as premature, as it has no relevance to class certification. *See Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Sambrano. Plaintiff Sambrano responds that he did not bid on flights he was not eligible to fly due to United's arbitrary restricted-city list. At various times, this would include flights to Japan, South Africa, Germany, Italy, Brazil, and India. During each bidding cycle since he returned to work, he would have bid on flights to those lucrative locations but did not do so because of United's limitations. United changed its arbitrary restricted-city list monthly, and, as of June 2022, Plaintiff Sambrano could have bid on flights to India, Japan, China, Guam, Brazil, Italy, and Argentina. And, absent United's arbitrary restrictions, he would have bid on whichever of these flights was most lucrative and coordinated with his schedule. Instead, Plaintiff Sambrano flew to other destinations. This required more days flying on less lucrative flights. And, as the higher-time trips may be flown with fewer days required, that would have allowed Plaintiff Sambrano the opportunity to pick up extra flights. Plaintiff Sambrano further responds that he did not have any discussions about these specific bids and/or limitations, other than reviewing the restricted-city list that United maintained.

Plaintiff Kincannon. Plaintiff Kincannon responds that, while on unpaid leave, she was unable to bid on any flights. Once she returned, Plaintiff Kincannon avoided bidding on any flights to locations United had included on its arbitrary restricted-city list. Specifically, when she returned to work, international travel was severely limited for employees who had not received the COVID-19 vaccine. Under these restrictions, Ms. Kincannon was prohibited for several bidding cycles from bidding on flights to Narita, Japan. While Ms. Kincannon does not recall precisely

how many bidding cycles this includes, she refers to United's records, which will reflect the months when United included Japan on its restricted-city list. This forced Plaintiff Kincannon to fly less lucrative flights domestically. While United possesses the details of the pay difference for these flights, Plaintiff Kincannon notes that on her last three-day trip to Narita, it was worth 20.5 hours and a \$138.45 per diem, which totaled \$1,360.09 for the trip. In contrast, when she was required to fly domestically, she flew to Hawaii, which was worth only 10.45 hours and a \$86.48 per diem, which totaled \$721.50 for the trip.

Plaintiff Castillo. Plaintiff Castillo was unable to bid on all mechanic "field trips" that are paid extra due to his vaccination status. Plaintiff Castillo does not recall the specific details of such trips, on which he would have otherwise bid.

Plaintiff Hamilton. Plaintiff Hamilton responds that she has not submitted any such bids that she did not receive due to United's COVID-19 vaccine mandate.

Plaintiff Jonas. Plaintiff Jonas was unable to bid on her normal schedule in the United Club because she was forced into an Agent on Demand position.

Plaintiff Medlin. Plaintiff Medlin responds that she has not submitted any such bids.

Plaintiff Burk. Plaintiff Burk responds that there are no bids he submitted and did not receive as a result of United's COVID-19 vaccine mandate.

Plaintiff Rains. Plaintiff Rains responds that, while on unpaid leave, he was unable to bid on any flights. Once he returned, Plaintiff Rains avoided bidding on international travel and was prevented in the computer algorithm from many trips. United possesses the details of the pay difference for these flights.

INTERROGATORY NO. 16: Identify each request for reasonable accommodation that you made to Defendant. For each request, identify the date of the request, the content of the request, the person(s) to whom you made the request, whether the request was written or oral, and

content of response to the request along with the identity of the responder(s) and provide a copy of any written, recorded, or electronic requests for accommodation.

ANSWER: Plaintiffs object to this Interrogatory as unduly burdensome because it seeks information from Plaintiffs that is in Defendant's possession, custody, and control and thus equally available to Defendant. Requiring Plaintiffs to provide this same information is thus unnecessary, inappropriate, and unduly burdensome.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Sambrano. Plaintiff Sambrano does not recall submitting any other accommodation requests during his time working for United. With respect to United's COVID-19 vaccine mandate, Plaintiff Sambrano submitted an accommodation request through United's web portal on August 26, 2021, explaining that his religious beliefs prevented me from receiving the COVID-19 vaccine. For a more detailed explanation of those reasons, Plaintiff Sambrano refers to the accommodation request, which United maintains.

Plaintiff Kincannon. Plaintiff Kincannon does not recall submitting any previous accommodation requests from United. With respect to United's COVID-19 vaccine mandate, Plaintiff Kincannon submitted an accommodation request through United's web portal on August 18, 2021, explaining that receiving the vaccine violated her sincerely held religious views because the vaccine was developed by testing on fetal stem cells. For a more detailed explanation of those reasons, Plaintiff Kincannon refers to her accommodation request, which United maintains, and ¶ 6 of the affidavit she submitted in support of the motion for preliminary injunction filed in this matter.

Plaintiff Castillo. Plaintiff Castillo submitted an email request to his supervisor on September 17, 2021, for a religious accommodation and an accommodation due to natural immunity. When he originally attempted to submit his request through "Help Hub," Plaintiff

Castillo was unable to do so because he could not provide a “Pastor’s Letter” (because he does not have a pastor). Plaintiff Castillo followed up on September 18, 2021, with an email to United’s HR department.

Plaintiff Hamilton. Plaintiff Hamilton does not recall submitting any previous accommodation requests. With respect to United’s COVID-19 vaccine mandate, Plaintiff Hamilton submitted an accommodation request through United’s web portal on August 26. That request explained Plaintiff Hamilton’s religious reasons for not being able to receive the COVID-19 vaccine. For a more detailed explanation of those reasons, Plaintiff Hamilton refers to the request, which United maintains, and ¶ 7 of the affidavit she submitted in support of the motion for preliminary injunction filed in this matter.

Plaintiff Jonas. Plaintiff Jonas only made one request—on August 29, 2021—for a medical accommodation, a copy of which United maintains. She included a note in that request concerning her religious beliefs that also prevented her from taking the vaccine. Plaintiff Jonas tried to submit a separate request for a religious accommodation but was prevented from doing so by the HelpHub constraints.

Plaintiff Medlin. Plaintiff Medlin has not previously submitted any other accommodation requests. Rather, the only request she has submitted was the accommodation request she submitted to United in August 2021, explaining why her religious beliefs prevented her from receiving a COVID-19 vaccine. Plaintiff Medlin refers United to that accommodation request, which United maintains, for further details.

Plaintiff Burk. Plaintiff Burk submitted his request for a religious accommodation on August 23, 2021. United responded that the request was not specific enough, and he resubmitted the request on August 28, 2021. The request was based on Plaintiff Burk’s sincerely held religious

beliefs. The second request was approved but Plaintiff Burk was told that he would be placed on unpaid leave. Plaintiff Burk refers United to those accommodation requests, which United maintains, for further details.

Plaintiff Rains. Plaintiff Rains submitted a request toward the end of August 2021 for a medical accommodation and a religious accommodation, copies of which are in United's possession. Plaintiff Rains was informed that his religious request would be disallowed since United was "approving" his medical request.

INTERROGATORY NO. 17: If you contend that any current or former employee of Defendant did or said anything that you thought was inappropriate or offensive because of your religion, disability and/or vaccine status identify the date, time and place of such statements or actions, the specific action or statement made, the person making or taking the action or statement, any witnesses that may have been present, whether the statement was oral or written, and identify any document that refers to the statement or action.

ANSWER: Plaintiffs object to this Interrogatory because it is a premature contention interrogatory. *See InternetAd Sys., LLC v. ESPN*, 2004 WL 5181346, at *2 (N.D. Tex. Oct. 8, 2004) ("Many courts exercise the discretion that Rule 33(c) grants and conclude that contention interrogatories need not be answered until later in the discovery process.") (citing cases). Moreover, as such contention interrogatories are appropriately answered later in discovery, *see id.*, it is certainly at the class-certification stage. Plaintiffs further object to this Interrogatory as unduly burdensome because it seeks information from Plaintiffs that is in Defendant's possession, custody, and control and thus equally available to Defendant. Requiring Plaintiffs to provide this same information is thus unnecessary, inappropriate, and unduly burdensome.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Sambrano. Plaintiff Sambrano responds that he found various statements made by United CEO Scott Kirby when announcing and explaining United's vaccine mandate to be offensive and demeaning. While Plaintiff Sambrano does not recall the specific dates of any such

statements, he recalls that Mr. Kirby was routinely dismissive of the notion that anyone would have a religious objection to receiving the COVID-19 vaccine. Rather, Mr. Kirby routinely gave the impression that he felt such beliefs were fabricated.

Plaintiff Kincannon. Plaintiff Kincannon responds that she found various statements made by United CEO Scott Kirby when announcing and explaining United's vaccine mandate to be offense and demeaning. As there were many announcements made about United's COVID-19 vaccine mandate in 2021, Plaintiff Kincannon does not recall the specific dates or circumstances of those statements. Additionally, Plaintiff Kincannon recalls seeing many statements on social media from other United employees that were highly critical of those with religious or medical reasons for not receiving a COVID-19 vaccine. Considering the volume of social media posts Plaintiff Kincannon has seen over the past two years, she cannot recall the specifics about any such posts.

Plaintiff Castillo. Plaintiff Castillo notes that many such instances are catalogued in the emails he referenced in response to Interrogatory Number 11. Additionally, Plaintiff Castillo responds that he found various statements made by United CEO Scott Kirby when announcing and explaining United's vaccine mandate to be offensive and demeaning. While Plaintiff Castillo does not recall the specific dates of any such statements, he recalls that Mr. Kirby was routinely dismissive of the notion that anyone would have a religious objection to receiving the COVID-19 vaccine and routinely gave the impression that he felt such beliefs were fabricated.

Plaintiff Hamilton. Plaintiff Hamilton responds that she has seen and heard various statements in the workplace and on social media that have been critical of employees like her. In general, because of the persistent hostility in the workplace that United leadership has allowed to persist, Plaintiff Hamilton responds that she avoids interacting with other United employees to

reduce the risk of any such confrontations. But there was an instance when, while clocking in for the day, another United employee—Kawin Prokaisawana—kept whispering close behind her that she had to get the COVID-19 vaccine. Additionally, Plaintiff Hamilton has observed many offensive statements by fellow United employees on social media. Considering the volume of social media posts, Plaintiff Hamilton does not recall with specificity the circumstances of each such post. However, the theme of such posts was that people like Plaintiff Hamilton were dangerous and did not have genuine religious reasons for objecting to receiving the COVID-19 vaccine. Additionally, Plaintiff Hamilton recalls seeing many similarly critical comments on United’s Flying Together system. Those statements by fellow United employees were unsurprising, considering that United management routinely communicated the same message through persistent corporate messaging about the company’s vaccine mandate, statements on signage throughout the public and private portions of the airport pushing people to receive a COVID-19 vaccine and suggesting that an individual posed a safety risk by not doing so, and through postcards mailed to employees that broadcast their vaccine status to anyone who saw the cards.

In another instance, Plaintiff Hamilton overheard a conversation between a ramp supervisor (Brian Nekuian) and an assistant general manager (Jim Wallace) on January 4, 2022, at approximately 9:15pm about whether he (Nekuian) could allow certain employees to leave early for the day. Since one such individual had requested an accommodation from the COVID-19 vaccine, Mr. Wallace responded that Mr. Nekuian could not allow employees to leave early because “we cannot do anything to make it easy on them [the unvaccinated employees] or United will never be able to force them to take [the COVID-19 vaccine].”

Finally, Plaintiff Hamilton observed other employees go out of their way to avoid her, even referring to the “DFW 6” returning to work and suggesting that Plaintiff Hamilton’s return would likely “set off more lawsuits.”

Plaintiff Jonas. Plaintiff Jonas found the multiple memos constantly threatening employment actions to be offensive and improper since they did not account for things such as her disability or religious convictions. Encouraging behavior a company wants is one thing, but this type of coercion is inappropriate in the workplace.

Plaintiff Medlin. Plaintiff Medlin responds that she has seen many comments on social media from other United employees that she finds offensive, hostile, and harassing. While it is difficult to recall each offensive post seen over the past several years, Plaintiff Medlin recalls many comments made by other United employees criticizing employees with religious or medical reasons for not being able to receive a COVID-19 vaccine. In one instance, a fellow employee posted that employees like Medlin should “get the vaccine or go see your God.” This is just one example of many.

Plaintiff Burk. Plaintiff Burk recalls that there were instances of employees—such as a Captain on one of his trips—making derogatory references to unvaccinated individuals after the mandate was issued. Additionally, Plaintiff Burk responds that he found various statements made by United CEO Scott Kirby to be offensive and demeaning. While Plaintiff Burk does not recall the specific dates of any such statements, he recalls that Mr. Kirby was routinely dismissive of the notion that anyone would have a religious objection to receiving the COVID-19 vaccine and routinely gave the impression that he felt such beliefs were fabricated. Plaintiff Burk also regularly received mass emails from Lori Augustine, VP in San Francisco, related to getting vaccinated where she continually stated not only that the vaccines were “safe and effective” but that getting

one was “the right thing to do.” The one-sided emails were made to coerce and shame employees with a different viewpoint on the vaccines.

Plaintiff Rains. Plaintiff Rains responds that he found various statements made by United CEO Scott Kirby to be offensive and demeaning. While Plaintiff Rains does not recall the specific dates of any such statements, he recalls that Mr. Kirby was routinely dismissive of the notion that anyone would have a religious objection to receiving the COVID-19 vaccine and routinely gave the impression that he felt such beliefs were fabricated. Plaintiff Rains was also referred to as “problematic” or one of the “problem people” at work by other employees both in the Fall of 2021 and the Spring of 2022 when he came back to work because the company had labeled him (and others) as a “non-vaxxer.” He was prevented from saying anything about the problems for fear of reprisal from the company.

INTERROGATORY NO. 18: Identify all putative class members, including putative absent class members or other named plaintiffs with whom you have communicated concerning any of the claims in this Lawsuit and the date of such communications.

ANSWER: Plaintiffs object to this Interrogatory because its request for information about communications with *any* putative class member concerning *any of the claims* is overbroad, unduly burdensome, and vague. Additionally, Plaintiffs object to this Interrogator to the extent it seeks information that is protected by any applicable privilege, including the attorney-client privilege, work product doctrine, common interest privilege, and/or First Amendment privilege. Plaintiffs further object to this Interrogatory as premature, as communications with putative class members has no relevance to class certification. *See Billitteri*, 2011 WL 13228268, at *2.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Sambrano. Plaintiff Sambrano has communicated occasionally with Capt. Sherry Walker, but does not recall the precise dates of those communications. Additionally, Plaintiff Sambrano has had frequent discussions with the following putative class members: Monte Burke,

Ron Rank, Seth Turnbough, and non-class member JC White. As each of these individuals is a close friend of Plaintiff Sambrano, and they discuss many subjects, Plaintiff Sambrano cannot identify the dates of those conversations.

Plaintiff Kincannon. Plaintiff Kincannon has spoken routinely with the other Plaintiffs in this action. Plaintiff Kincannon has also spoken occasionally with representatives of the organization Airline Employees 4 Health Freedom, but does not recall the specific dates and/or circumstances. Also, Plaintiff Kincannon's brother is also a United pilot, and the two have spoken periodically about these issues.

Plaintiff Castillo. Plaintiff Castillo has spoken with the other Plaintiffs in this action about the claims in this lawsuit.

Plaintiff Hamilton. Plaintiff Hamilton responds that she confers regularly with the other Plaintiffs about this case. Additional United employees with whom Plaintiff Hamilton may have discussed COVID-19 vaccines generally were Tracey Brown, Dana Mooney, and Claudia Day. Plaintiff Hamilton does not recall the specific dates of those discussions. With respect to Ms. Mooney, Plaintiff Hamilton and Ms. Mooney are close friends and talk frequently about a variety of topics, some of which include COVID-19, United's vaccine mandate, abortion, United's actions implementing its mandate, and issues of conscience. With respect to Ms. Brown, Plaintiff Hamilton spoke periodically about a variety of topics, including United's mandate, COVID-19 vaccines, and abortion. And, with respect to Ms. Day, Plaintiff Hamilton and Ms. Day spoke primarily around the time of United's vaccine mandate about a variety of subjects, including abortion, the mandate, and COVID-19 vaccines.

Plaintiff Jonas. Plaintiff Jonas has spoken with the other Plaintiffs in this action about the claims in this lawsuit. She also recalls texting with other employees similarly situated to her in

the Agent on Demand position, but it related to what they would miss out on because of how United was treating them. Janis Murray and Alex Miller are both former employees with whom Plaintiff Jonas communicated. Also, Dana Mooney, Tracy Brown, Nancy Yanni, Claudia Day, and Wendy McDonald are other employees with whom Ms. Jonas has likely spoken about United's vaccine mandate.

Plaintiff Medlin. Plaintiff Medlin responds that she communicated briefly with Plaintiff Hamilton in the past few months, although she does not recall the specific dates of that conversation. Plaintiff Medlin also corresponded briefly with Sherry Walker by text on one occasion. That text was exchanged in October 2022.

Plaintiff Burk. Plaintiff Burk has not conferred with other putative class members concerning the claims in this lawsuit.

Plaintiff Rains. Plaintiff Rains has not conferred with other putative class members concerning the claims in this lawsuit.

INTERROGATORY NO. 19: Identify and describe all communications you have had with Airline Employees 4 Health Freedom (AE4HF), US Freedom Flyers or any of their members, advisors, and/or with Captain Sherry Walker, Captain Laura Cox, and/or Danielle Runyan from January 1, 2020 to present.

ANSWER: Plaintiffs object to this Interrogatory because its request for *all communications*, irrespective of whether the communications relate in any way to the claims in this case, is overbroad, unduly burdensome, and vague. Additionally, Plaintiffs object to this request to the extent it seeks information that is protected by any applicable privilege, including the attorney-client privilege, work product doctrine, common interest privilege, and/or First Amendment privilege. Identifying the substance of any such communications would invade each of these privileges, and it would likely cause individuals associated with AE4HF to no longer be comfortable associating with that entity, if their communications were provided to United.

Plaintiffs further object to this Interrogatory because any such communications are not relevant to class certification. *See Billitteri*, 2011 WL 13228268, at *2. For the foregoing reasons, Plaintiffs will not provide further responses to this Interrogatory.

INTERROGATORY NO. 20: Identify and describe any instructions you received, from persons other than your counsel, prior to and/or in connection with this litigation with respect to removing social media posts or other materials regarding vaccines, your opposition to vaccines, masking or testing or the United vaccine policy.

ANSWER: Plaintiffs object to this Interrogatory as overbroad, unduly burdensome, and vague. Additionally, Plaintiffs object to this request to the extent it seeks information that is protected by any applicable privilege, including the attorney-client privilege, work product doctrine, common interest privilege, and/or First Amendment privilege. Plaintiffs further object to this Interrogatory as premature, as any such communications are not relevant to class certification. *See Billitteri*, 2011 WL 13228268, at *2. Moreover, Plaintiffs object to this Interrogatory because it seeks information that is not relevant to any claims or defenses in this matter. For the foregoing reasons, Plaintiffs will not provide further responses to this Interrogatory.

INTERROGATORY NO. 21: Identify what if any law firms and/or for-profit or non-profit legal services organizations you contend currently and/or previously communicated with and/or represented you in connection with any claims in this Lawsuit.

ANSWER: Plaintiffs object to this Interrogatory because it seeks information that is not relevant to class-certification discovery, or to the merits of any claim or defense in this case. Additionally, Plaintiffs object to this request to the extent it seeks information that is protected by any applicable privilege, including the attorney-client privilege, work product doctrine, common interest privilege, and/or First Amendment privilege.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiff Sambrano. Plaintiff Sambrano responds that, to the best of his understanding, he has engaged attorneys from Schaerr|Jaffe LLP, S|L Law PLLC, and Stewart Wiegand & Owens PC. Additionally, Plaintiff Sambrano previously conferred with representatives from Liberty Counsel at or around the time United announced its vaccine mandate.

Plaintiff Kincannon. Plaintiff Kincannon responds that, to the best of her understanding, she has engaged attorneys from Schaerr|Jaffe LLP, S|L Law PLLC, and Stewart Wiegand & Owens PC.

Plaintiff Castillo. Plaintiff Castillo responds that, to the best of his understanding, he has engaged attorneys from Schaerr|Jaffe LLP, S|L Law PLLC, and Stewart Wiegand & Owens PC.

Plaintiff Hamilton. Plaintiff Hamilton responds that, to the best of her understanding, she has engaged attorneys from Schaerr|Jaffe LLP, S|L Law PLLC, and Stewart Wiegand & Owens PC. Additionally, Plaintiff Hamilton previously filled out a webform that was available on Liberty Counsel's website at or around the time United announced its vaccine mandate.

Plaintiff Jonas. Plaintiff Jonas responds that, to the best of her understanding, she has engaged attorneys from Schaerr|Jaffe LLP, S|L Law PLLC, and Stewart Wiegand & Owens PC. She also submitted an inquiry form to Liberty Counsel but did not retain them.

Plaintiff Medlin. Plaintiff Medlin responds that, to the best of her understanding, she has engaged attorneys from Schaerr|Jaffe LLP and S|L Law PLLC.

Plaintiff Burk. Plaintiff Burk responds that, to the best of his understanding, he has engaged attorneys from Schaerr|Jaffe LLP and S|L Law PLLC.

Plaintiff Rains. Plaintiff Rains responds that, to the best of his understanding, he has engaged attorneys from Schaerr|Jaffe LLP and S|L Law PLLC.

INTERROGATORY NO. 22: Identify the name, address and telephone number of all doctors, physicians, nurses, mental health care providers, psychiatrists, psychologists, healers or

other health care providers with whom you have consulted or from whom you have received any treatment in the last 5 years. Include in your answer for each provider the dates of the treatment, the reasons you sought treatment, any medications prescribed to you, and any diagnosis communicated to you about your condition.

ANSWER: Plaintiffs object to this Interrogatory as overbroad, unduly burdensome, and vague. Furthermore, Plaintiffs object to this Interrogatory as premature because it seeks information beyond the appropriate scope of class-certification discovery. *See Billitteri*, 2011 WL 13228268, at *2. Moreover, Plaintiffs object to this Interrogatory because it seeks information that is also not relevant to the merits of any claim or defense in this matter. Here, Defendant accepted the accommodation request for all employees it forced (or threatened to force) onto unpaid leave, and it thus has no basis now to probe the sincerity of those reasons. And, for Plaintiffs who have not sought a medical accommodation, this information is not relevant to any claim or defense in this matter. Accordingly, Plaintiffs Rains and Jonas will respond to this Interrogatory with responsive information relevant to the claims or defenses in this matter at an appropriate time after the Court issues a decision on Plaintiffs' forthcoming motion for class certification.

April 21, 2023

As to objections,

/s/ John C. Sullivan

John C. Sullivan

Texas Bar No. 24083920

David Austin R. Nimocks

Texas Bar No. 24002695

S|L LAW PLLC

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/s/ Mark R. Paoletta

Mark R. Paoletta*

D.C. Bar No. 422746

Gene C. Schaerr*

D.C. Bar No. 416368
Brian J. Field*
D.C. Bar No. 985577
Kenneth A. Klukowski*
D.C. Bar No. 1046093
Joshua J. Prince*
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* Admitted *pro hac vice*

**COUNSEL FOR PLAINTIFFS
AND THE PROPOSED CLASS**

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et*
al.,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

Civil Action No.: 4:21-01074-P

VERIFICATION

I, David Sambrano, have read the foregoing interrogatory responses and declare under penalty of perjury that the information set forth therein with respect to me is true and correct to the best of my knowledge.

Date

David Sambrano

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et al.*,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.


Civil Action No.: 4:21-01074-P

VERIFICATION

I, Charles Burk, have read the foregoing interrogatory responses and declare under penalty of perjury that the information set forth therein with respect to me is true and correct to the best of my knowledge.

4/21/2023

Date

DocuSigned by:

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Charles Burk

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et al.*,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

Civil Action No.: 4:21-01074-P

VERIFICATION

I, David Castillo, have read the foregoing interrogatory responses and declare under penalty of perjury that the information set forth therein with respect to me is true and correct to the best of my knowledge.

4/21/2023

Date

DocuSigned by:

724F0BA8A1484DB...
David Castillo

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et al.*,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

Civil Action No.: 4:21-01074-P

VERIFICATION

I, Kimberly Hamilton, have read the foregoing interrogatory responses and declare under penalty of perjury that the information set forth therein with respect to me is true and correct to the best of my knowledge.

2023-04-21

Date

Kimberly Hamilton

Kimberly Hamilton

Signature Certificate

Reference number: FZEYX-TAKGR-DVQIA-D7RPP

Signer

Kimberly Hamilton

Email: salvare1@protonmail.com

Sent:

Viewed:

Signed:

Timestamp

21 Apr 2023 15:24:47 UTC

21 Apr 2023 15:26:13 UTC

21 Apr 2023 15:26:36 UTC

Signature



Recipient Verification:

✓Email verified

21 Apr 2023 15:26:13 UTC

IP address: 104.28.103.19

Location: Chicago, United States

Document completed by all parties on:

21 Apr 2023 15:26:36 UTC

Page 1 of 1



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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et*
al.,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

Civil Action No.: 4:21-01074-P

VERIFICATION

I, Genise Kincannon, have read the foregoing interrogatory responses and declare under penalty of perjury that the information set forth therein with respect to me is true and correct to the best of my knowledge.

Date 4/20/2023


Genise Kincannon

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et al.*,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

Civil Action No.: 4:21-01074-P

VERIFICATION

I, Alyse Medlin, have read the foregoing interrogatory responses and declare under penalty of perjury that the information set forth therein with respect to me is true and correct to the best of my knowledge.

4/20/2023

Date

Alyse Medlin

Alyse Medlin

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et al.*,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

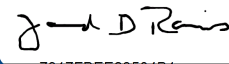
Civil Action No.: 4:21-01074-P

VERIFICATION

I, Jarrad Rains, have read the foregoing interrogatory responses and declare under penalty of perjury that the information set forth therein with respect to me is true and correct to the best of my knowledge.

4/21/2023

Date

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Jarrad Rains

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et al.*,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

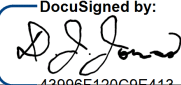
Civil Action No.: 4:21-01074-P

VERIFICATION

I, Debra Jennefer Thal Jonas, have read the foregoing interrogatory responses and declare under penalty of perjury that the information set forth therein with respect to me is true and correct to the best of my knowledge.

4/21/2023

Date

DocuSigned by:


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Debra Jennefer Thal Jonas

JONES DAY

51 LOUISIANA AVE., N.W. • WASHINGTON, D.C. 20001

TELEPHONE: +1.202.879.3939 • JONESDAY.COM

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DMUNRO@JONESDAY.COM

April 21, 2023

VIA E-MAIL

Brian J. Field (bfield@schaerr-jaffe.com)
John C. Sullivan (john.sullivan@the-sl-lawfirm.com)

Re: Plaintiffs' Responses to Requests for Production

Brian and John,

Thank you for your time on April 17 to discuss our concerns with Plaintiffs' discovery responses to United's First Set of Requests for Production ("Requests"). In a further effort to resolve our various disagreements about discovery, this letter follows up on several of the items we discussed and provides the information you requested from me.

As an initial matter, I should note that United stands by its position, as outlined during our April 17 meeting, that Plaintiffs' responses to this point are wholly inadequate in all of the respects we discussed. We cannot tolerate a blanket refusal from Plaintiffs to search for or produce the vast majority of potentially responsive materials, including emails, text messages, and other ESI. However, we remain willing to work with you in a good faith effort to compromise on various aspects of our pending Requests and avoid the need to ask the Court to rule on these matters. In this regard, there are several particular items I want to highlight.

First, as I mentioned on the call, United is not currently insisting that Plaintiffs supplement their responses to every pending Request. Rather, in the interest of focusing the parties' resources, United is asking that Plaintiffs reexamine and supplement their response to Request Nos. 1-4, 7, 8, 9, 11, 13-15, 16-20, 22-25, 27, 29-30, 32-34, 38, 40 and 41. For the time being, so long as we can make some progress on those Requests, we are willing to table our demands for supplementation of the other inquiries in the First Set of Requests for Production, including Requests 5, 6, 10, 12, 21, 26, 28, 35, 36, 37, 39, and 42-46. (United does, of course, still expect Plaintiffs to respond to those Requests, including the production of responsive documents, to the extent indicated in Plaintiffs' Responses and Objections to Defendant's First Requests for Production.) In addition, as we discussed during our April 17 conference, United confirms that Requests 16, 20, and 40 seek just those materials that discuss or otherwise relate to the subject-matter of this litigation.



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Second, as I mentioned, there is case law in the Northern District of Texas that expressly disapproves of responses suggesting that a party will produce documents "should any documents exist." *See, e.g., Heller v. City of Dallas*, 303 F.R.D. 466, 485 (N.D. Tex. 2014) (holding that responding parties must definitely state whether responsive documents exist or not so that the court or requesting party are not left to guess as to whether or when they might receive documents). Plaintiffs are required to definitively state whether responsive documents exist and should immediately supplement their responses to indicate as such and when United will receive responsive materials.

Third, as we also discussed, there is extensive case law holding that a party may not refuse to produce responsive materials in its possession merely because such materials are "equally available" to the requesting party. As the Fifth Circuit has stated: "even if a document is publicly available or in the opposing party's possession, a party must still disclose it under Rule 26(a)(1)(A)[.]" *Martino v. Kiewit N.M. Corp.*, 600 F. App'x 908, 911 (5th Cir. 2015); *see also Vestas-Am. Wind Tech., Inc. v. Salazar*, No. 6:19-CV-00076-H, 2020 WL 6365549, at *6 (N.D. Tex. Oct. 21, 2020) (overruling party's objection to request for production that the documents need not be produced because they are equally available to the requesting party); *Reynolds v. Blann Tractor Co., Inc.*, 2019 WL 13214739, at *4 (E.D. Tex. Sept. 27, 2019) (overruling party's objection to request for production that the documents need not be produced because they are equally available to the requesting party). Hence, Plaintiffs must produce responsive documents in their possession, custody, or control regardless of whether United may also have a copy of that document. Producing all responsive materials in Plaintiffs' possession also avoids the need to debate whether those documents are or are not in fact exactly the same as any documents that United may have.

Fourth, in response to Request Nos. 23, 24 and 34, Plaintiffs refused to produce any documents on the grounds that such documents were protected by "any applicable privilege, including attorney-client privilege, attorney work product doctrine, common interest privilege, and/or First Amendment privilege," as well as "Plaintiffs' right to freely associate." However, none of these Requests seek attorney-client privileged information or work product. Indeed, Request No. 23 expressly states "[t]his request does not seek communications with your attorneys." In any event, and as we discussed, to the extent Plaintiffs are in fact withholding any documents on the basis of an applicable privilege – in connection with these particular Requests or any others – they are required to provide United with a privilege log so that United (and if necessary the Court) can evaluate Plaintiffs' claims of privilege.

Since United is not seeking any attorney client communications or attorney work product, this leaves Plaintiffs' First Amendment objection. Courts typically evaluate First Amendment privilege claims using a two-part test: "This prima facie showing requires the party to prove that enforcement of the discovery requests will result in (1) harassment, membership withdrawal, or

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discouragement of new members, or (2) other consequences which objectively suggest an impact on, or chilling of, the members' associational rights." *La Union Del Pueblo Entero v. Abbott*, No. SA-21-CV-00844-XR, 2022 WL 17574079, at *6 (W.D. Tex. Dec. 9, 2022). Plaintiffs have done nothing to make this prima facie showing. Moreover, "[b]are allegations of possible first amendment violations are insufficient to justify judicial intervention . . . The record must contain objective and articulable facts, which go beyond broad allegations or subjective fears." *McLaughlin v. Serv. Emps. Union, AFL-CIO, Loc. 280*, 880 F.2d 170, 175 (9th Cir. 1989) (internal quotations and citations omitted). United requests that Plaintiffs either provide information sufficient for United to evaluate the Plaintiffs' First Amendment claims or produce all documents responsive to Request Nos. 23, 24, and 34.

Fifth, Plaintiffs have broadly asserted that they have no duty to respond to many of United's Requests, asserting that each such Request is "premature because it seeks documents beyond the appropriate scope of class-certification discovery." However, a "rigorous Rule 23 analysis frequently will 'entail some overlap with the merits of the plaintiff's underlying claim.'" *Funeral Consumers All., Inc. v. Serv. Corp. Int'l*, 695 F.3d 330, 346 (5th Cir. 2012). "This requires an understanding of 'the relevant claims, defenses, facts, and substantive law presented in the case.'" *Id.* at 346-347; *see also Miller v. Grand Canyon Univ., Inc.*, 540 F. Supp. 3d 625, 632 (N.D. Tex. 2021) (Pittman, J.) (denying class certification). We have explained in great detail why each of the Requests at issue relate to arguments that United may make with respect to class certification, including how they are relevant to commonality, typicality, predominance, superiority, or other elements of the Rule 23 test.¹ As we understand your responses, they are that (a) Plaintiffs don't need such materials to make their arguments on class, and (b) United could make an argument on each point without discovery. Those rationales are inadequate for the reasons we discussed – United is entitled to any responsive materials that go to any element of class certification, regardless of whether Plaintiffs deem such materials "necessary" or not.

The question of damages is a good example. Plaintiffs objected to Request Nos. 3, 15, 19, 29, and 30 (among others) on the grounds that discovery regarding damages is premature because it "does not bear on the appropriateness of a class action." In fact, it is well-settled that class treatment "may not be suitable where the calculation of damages is not susceptible to a mathematical or formulaic calculation, or where the formula by which the parties propose to calculate individual damages is clearly inadequate." *Bell Atl. Corp. v. AT&T Corp.*, 339 F.3d 294,

¹ This includes, but is not limited to, issues such as sincerity of asserted religious belief and disability, both of which are individualized inquiries. *See Chandler v. City of Dallas*, 2 F.3d 1385 (5th Cir. 1993) (holds that under equivalent Rehabilitation Act standards determinations "of whether the individual is handicapped [] necessarily individualized inquiries" for which "class certification and class relief [were] inappropriate."). *Accord Hohider v. United Parcel Service, Inc.*, 574 F.3d 169 (3d Cir. 2009) (Scirica, J.) (denying class certification of ADA reasonable accommodation case).

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307 (5th Cir. 2003). Moreover, "[w]here the plaintiffs' damage claims focus almost entirely on facts and issues specific to individuals rather than the class as a whole the potential exists that the class action may degenerate in practice into multiple lawsuits separately tried. In such cases, class certification is inappropriate." *O'Sullivan v. Countrywide Home Loans, Inc.*, 319 F.3d 732, 744-45 (5th Cir. 2003) (internal quotations and citations omitted). Thus, United is plainly entitled to information regarding each Plaintiff's claimed damages (including mitigation) in order to make its case regarding a lack of commonality and/or a failure to satisfy the Rule 23(b)(3) factors.

Again, we are willing to explore a compromise on this issue of scope, but we cannot accept Plaintiffs' current position that virtually everything regarding the merits is irrelevant to the question of class certification.

Sixth, we discussed the question of search terms for ESI. As I'm sure you saw, I sent you a list of proposed search terms soon after we finished our conference call on April 17. If you'd like to discuss that list, we remain willing to do so. If we don't hear from you, we will presume that the list of terms is acceptable and that Plaintiffs are underway in their search for responsive ESI.

Finally, you indicated that Plaintiffs will be producing some documents "soon." Given that we are well past the deadline for Plaintiffs' production, please give us some indication as to exactly when we can expect to start receiving responsive materials. As you know, we have a compressed discovery schedule for this phase. We need to start scheduling depositions, but have to receive responsive materials from you before that can happen. It is in the interest of both sides to avoid a scramble at the end of the discovery period - -or a request for extensions - so we hope and expect to get these issues resolved as soon as possible.

I am available by phone on Tuesday next week to have a follow-up discussion about these issues. If that does not work for you, please propose an alternative.

Sincerely,

/s/ Don Munro
Don Munro

May 1, 2023

By e-mail

Don Munro
Jones Day
51 Louisiana Ave., NW
Washington, DC 20001
dmunro@jonesday.com

Re: *Sambrano v. United Airlines*, No. 4:21-cv-01074-P (N.D. Tex.); Plaintiffs'
Response to Defendant's Discovery Letter

Don,

Thank you for your letter following up on our April 17 call. In an effort to move this case forward, Plaintiffs respond below to the various points you raised. Additionally, Plaintiffs will be making their initial document release this week.

First, Plaintiffs respond to your suggestion that United “cannot tolerate a blanket refusal from Plaintiffs to search for or produce the vast majority of potentially responsive records.” As United sees it, by objecting to multiple requests, Plaintiffs’ responses are “wholly inadequate.” But the adequacy of a party’s discovery responses has nothing to do with the number of requests to which it objects. A multitude of objectionable discovery requests will yield a multitude of objections. Here, United propounded its initial discovery requests at the same time it proposed a unified discovery schedule where the parties would address class and merits issues together. Yet, after the parties and the Court agreed to bifurcate discovery, addressing only class-certification issues now, United did not update its requests. Unsurprisingly, then, the broad initial requests elicited many objections. And, as discussed below, Plaintiffs stand by those objections, as they are amply supported by case law.¹

¹ To underscore the unreasonableness of United’s requests, consider RFP 2, which United issued to every Plaintiff asking for “all documents you contend show that United intentionally discriminated against you or retaliated against you because of your disability.” Yet, many Plaintiffs have not claimed disability discrimination. Hence, their objections. Or consider RFP 1, where United asks for “all documents you contend show that United intentionally discriminated against you or retaliated against you because of your religion.” If that is appropriately tailored for class-certification discovery, there is nothing left for merits discovery. Other examples abound. *See, e.g.*, RFP 10 (requesting all complaints Plaintiffs ever made during their employment); RFP 15 (requesting all documents regarding any claim for economic loss).



Second, Plaintiffs respond to your statement that case law in the Northern District of Texas expressly disapproves of responses stating that a party will produce documents “should any documents exist.” That is not what *Heller v. City of Dallas* says. 303 F.R.D. 466 (N.D. Tex. 2014). Rather, *Heller* rejected a party’s response that it was objecting to the discovery request “to the extent that [it] seeks privileged [materials].” *Id.* at 485. The district court concluded that such a response “leaves the requesting party wondering if there are any responsive documents being withheld as privileged or attorney work product.” *Id.* In all events, this issue can be set aside for the reasons I explained on our call. Plaintiffs are continuing their document collection and review, and thus they cannot yet state whether there are discovery requests for which they have no responsive records. But Plaintiffs will issue supplemental responses, which will identify any requests for which they have not located any responsive records. And, where any record is withheld based on privilege, Plaintiffs will produce a log. Accordingly, United will not be “le[ft] ... wondering” about the existence of any other responsive documents that are being withheld. *Id.*

Third, Plaintiffs respond to your suggestion that there is “extensive case law holding that a party may not refuse to produce responsive materials in its possession merely because such materials are ‘equally available’ to the requesting party.” That is not the state of the law in the Northern District of Texas, as the authority you cite confirms. Take, for instance, the unpublished decision in *Martino v. Kiewit N.M. Corp.*, 600 F. App’x 908 (5th Cir. 2015). In that case, the responding party objected to a demand to produce a “public document, equally available to both parties.” *Id.* at 911. There was no objection based on the records also being in the requesting party’s possession, which is the objection Plaintiffs have largely raised here. Thus, the Fifth Circuit’s passing (and unsupported) reference to an objection based on documents “in the opposing party’s possession” hardly suggests that there is “extensive case law” rejecting such an objection.

The same is true of the other two decisions you cite. In *Vestas-Am. Wind Tech. v. Salazar*, 2020 WL 6365549 (N.D. Tex. Oct. 21, 2020), the district court did not even address this question directly, noting only that the responding party “suggest[ed] what appear[ed] to be an argument that the information sought ... [was] equally available[.]” *Id.* *6. Without further discussion, the district court rejected several objections that the responding party raised. *Id.* The decision in *Reynolds v. Blann Tractor Co.*, 2019 WL 13214739 (N.D. Tex. Sept. 27, 2019), is equally unavailing. There, the court addressed an argument that the requested “information is equally available to both parties,” noting only that the “objection is, unsurprisingly, not specific.” *Id.* at *4. Rejecting that objection, the district court addressed only whether a party must produce “publicly available” information, which again is not the objection Plaintiffs have largely raised here. *Id.* These cases simply do not support United’s characterization of the case law in this Circuit.

Rather, the weight of authority supports Plaintiffs' objections. Take *Whitt v. Stephens County*, 2007 WL 9754677 (N.D. Tex. Apr. 27, 2007), where the court held that "economy dictates that Plaintiff should pursue the more simple, less expensive method of discovering this information which is widely available to the general public." *Id.* at *2 (approving the objection that it is burdensome to produce "equally accessible" information"). The same is true of *De Olivera Dos Santos v. Bell Helicopter Textron*, 2010 WL 11537442 (N.D. Tex. Jan. 4, 2010), where the responding party objected to a request for documents that were "publicly available and, therefore, ... equally available[.]" *Id.* at *4. The district court confirmed that the responding party need not produce such equally available information. *Id.* Or in *Calderon v. Bank of Am.*, 2020 WL 12886604 (W.D. Tex. Oct. 16, 2012), the court concluded that the defendant "correctly" objected to producing "documents [that] are equally available from a public source." *Id.* at *2. Many other decisions in the Fifth Circuit reach the same conclusion. See, e.g., *Clark v. Louisiana*, 2014 WL 3897659, at *2 (M.D. La. Aug. 8, 2014) (holding that an objection to producing material that was "equally available" was "well-taken"); *Walters v. Certegy Check Servs.*, 2019 WL 573012, at *3 (W.D. Tex. Feb. 12, 2019) (denying a motion to compel where the responding party objected because the requested records were "either already in Plaintiff's possession or can be as easily obtained by Plaintiff as by [defendant]"); *Walker v. Rent-a-Ctr.*, 2006 WL 8441564, at *10 (E.D. Tex. Apr. 18, 2006) (denying motion to compel for records "already within Defendants' possession and equally available to Defendants"); *Willis v. Ctr. for Health Care Servs.*, 2018 WL 1138265, at *3 (W.D. Tex. Jan. 26, 2018) (approving the refusal to produce information or records "that [are] equally available to Defendant").

Thus, Plaintiffs agree that there is "extensive case law" on this subject from courts in the Fifth Circuit. But it supports the objections Plaintiffs have raised in response to RFP Nos. 5, 6, 10, 11, 12, 19, 21, and 28. As the court in *Whitt* concluded, "economy dictates" that United "pursue the more simple, less expensive method" of discovering this information that is already in its possession.

Fourth, Plaintiffs respond to your statements about privilege objections. For RFP Nos. 23, 24, and 34, you state that United is not seeking any attorney-client communications or work product. Thus, you suggest this leaves only Plaintiffs' First Amendment privilege objection. On this, you discuss the burden shifting analysis courts apply when considering such a privilege assertion. While Plaintiffs have no disagreement about the appropriate legal standard, the authority you cite does not suggest that Plaintiffs must provide all such information in the responses and objections they serve in response to discovery requests. Indeed, the lone Circuit authority you cite discussed declarations submitted during briefing on a motion for a protective order. See *McLaughlin v. Serv. Emps. Union, AFL-CIO, Loc.*, 880 F.2d 170, 175 (9th Cir. 1989). That is how privilege disputes are handled generally, and that is how Plaintiffs are prepared to handle the privilege assertion here. If United moves

to compel responses that violate Plaintiffs' First Amendment rights, Plaintiffs are prepared to file declarations stating that being required to produce communications with certain groups and/or organizations, or being required to provide records of all contributions to religious organizations, will cause Plaintiffs to withdraw from such groups, or discontinue certain giving. Indeed, Plaintiffs will attest that they would have engaged in fewer communications and given fewer contributions to religious organizations if they knew United would obtain copies of those records in its attempt to undermine the sincerity of their beliefs. Accordingly, Plaintiffs maintain their privilege assertions, which Plaintiffs will include on their privilege log.

Fifth, Plaintiffs respond to your statements about the appropriate scope of discovery. Before addressing your specific arguments, it is worth noting again that Plaintiffs have now requested on several occasions that United explain what it believes to be the appropriate line between discovery for class certification and discovery on the merits. To date, United has been unable to answer that question. Considering United's failure to update its discovery requests after the parties and the Court agreed to bifurcate discovery, and its approach to discovery thus far, it appears that United still does not believe there is any difference. But that ignores a wealth of case law from courts across the country.

As the Supreme Court has explained, discovery for class certification does not grant a "license to engage in free-ranging merits inquiries at the certification stage. Merits questions may be considered to the extent—but only to the extent—that they are relevant to determining whether the Rule 23 prerequisites for class certification are satisfied." *Amgen Inc. v. Conn. Ret. Plans & Tr. Funds*, 568 U.S. 455, 465–66 (2013). The Fifth Circuit has also regularly stated that discovery into merits issues is only appropriate when it is necessary to determine whether the requirements of Rule 23 are met. *See Funeral Consumers All., Inc. v. Serv. Corp. Int'l*, 695 F.3d 330, (5th Cir. 2012) (explaining that "overlap with the merits" does not prohibit consideration of disputed facts that are "*necessary* to a reasoned determination of whether a plaintiff has met her burden of establishing each of the Rule 23 class action requirements") (emphasis added); *Mims v. Stewart Title Guar. Co.*, 590 F.3d 298, 304 (5th Cir. 2009) ("[T]he merits of the plaintiffs' claims ... may only be considered [at the pre-certification stage] if relevant to the class certification question."); *Regents of Univ. of Cal. v. Credit Suisse First Bos. (USA), Inc.*, 482 F.3d 372, 380 (5th Cir. 2007) ("The scope of our review is limited ... we may address arguments that implicate the merits of plaintiffs' cause of action insofar as those arguments also implicate the merits of the class certification decision."). Here, none of the discovery United has requested relating to damages is relevant or necessary to the Rule 23 inquiry.

For instance, discovery related to the *amount* of potential damages is unnecessary. Indeed, such discovery is rarely, if ever, relevant at the pre-certification stage. As the Third Circuit explained, "[p]roof of injury (whether or not an injury

occurred at all) must be distinguished from calculation of damages (which determines the actual value of the injury).” *Newton v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 259 F.3d 154, 188 (3d Cir. 2001). When determining whether the Rule 23 factors are met, the Third Circuit went on to note that the relevant issue at the class-certification stage is “*not* the calculation of damages but whether or not class members have any claims at all.” *Id.* at 189 (emphasis added). For this reason, many district courts have concluded that discovery related to the *amount* of potential damages is inappropriate at the class-certification stage. *See, e.g., Martin v. Khaylie Hazel Yearning LLC*, 2022 WL 17573424 (N.D. Miss. Dec. 9, 2022) (“[U]nless and until a class has been certified, discovery as to the damages such class might be entitled to is premature.”); *S. Peninsula Hosp. Inc. v. Xerox State Healthcare, LLC*, 2019 WL 1873297, at *8 (D. Alaska Feb. 5, 2019) (“Moreover, where discovery precedes class certification, the scope of discovery must necessarily be limited to only that which is relevant to the issue of class certification, as discovery on the merits of the claims or damages would be premature.”); *Ruiz v. Shamrock Foods Co.*, 2018 WL 5099487, at *5 (C.D. Cal. May 10, 2018) (“Because at this stage of the proceedings no class has been certified, requiring extensive discovery arguably relevant to the precise calculation of damages or penalties is premature and disproportionate to the needs of the case.”); *Kirsch v. Delta Dental*, 2009 WL 10728281, at *1 (D.N.J. Apr. 30, 2009), *aff’d sub nom. Kirsch v. Delta Dental of New Jersey*, 2009 WL 10728227 (D.N.J. Sept. 1, 2009) (noting multiple times that damages is “an issue for merits discovery, as opposed to class discovery”); *Franklin v. Ryko Corp.*, 2008 WL 11334493, at *3 (C.D. Cal. Oct. 22, 2008) (“I will order ... that there be no financial discovery, discovery related to damages or profits until after the motion for class certification is heard and decided.”).

Thus, this authority confirms that discovery should be limited to the *existence* of damages, rather than the *amount* of damages.² But on this, United has no need for discovery as it already has access to the information showing that Plaintiffs were harmed. For example, United can determine from its own records whether members of the putative class lost income because of being placed on unpaid leave. Similarly, United can discern from its own records how job transfers affected earnings and future career opportunities. With this information, United is already well-equipped to respond to Plaintiffs’ arguments about commonality, typicality, adequacy, and other issues relevant to class certification. Discovery into Plaintiffs’ financial records is unnecessary at this time and this inappropriate for pre-certification discovery.

² The decision in *Miller v. Grand Canyon University*, 540 F. Supp. 3d 625 (N.D. Tex. 2021), is not to the contrary. In that case, the Court did not address the appropriate scope of class discovery. Rather, United points only to the Court’s general statement about the applicable standard of review, where the Court notes that there are *some* instances when class certification will require it to “probe behind the pleadings.” *Id.* at 631.

Accordingly, Plaintiffs maintain the objections they have raised in response to United's document requests that prematurely request records relevant only to the merits of the claims and defenses in this case.

Sixth, Plaintiffs respond to the ESI search terms United provided. As with so much else in discovery thus far, United's proposed search terms are overbroad and burdensome. As just a few examples, United proposes that Plaintiffs should search for "religion," "pastor," "priest," or "church." Once again, this reflects United's apparent misunderstanding of people of faith—individuals who are actively involved in their church will have many communications involving these terms. And those communications will have *nothing* to do with the claims or defenses in this action. Moreover, terms like "COVID," "test," or "mask" are also unreasonably overbroad, as there are myriad instances in which those terms may be used that have nothing to do with this case. Rather, as you suggested on our call, Plaintiffs will continue their review of records to identify responsive records, rather than using overbroad or unduly burdensome ESI terms.

Finally, a word on timing. We strongly disagree with your contention that Plaintiffs are proceeding slowly in discovery. Plaintiffs have issued multiple rounds of discovery requests, issued their responses and objections to United's document requests, issued their responses and objections to United's interrogatories, filed an opposition to a motion to dismiss, and their counsel has responded to multiple third-party subpoenas. In contrast, United has not responded to any of Plaintiffs' discovery requests, nor has it produced any documents. If there has been any foot dragging, it has been United.

But United's concern is misguided for another reason—this is an issue of United's making as it decided to issue extraordinarily broad discovery requests. As I explained on the parties' February 28 meet and confer call, Plaintiffs do not maintain sophisticated mechanisms for organizing their electronic communications and paper records. Unlike United, where a single query of a server is all that is required, I noted on February 28 that electronic discovery would be difficult and time consuming. And, as forecasted, the process remains ongoing. However, as I explained on our April 17 call, Plaintiffs will begin issuing documents this week, and they will continue doing so on a rolling basis. If United wishes to drastically cut the scope of its requests to comply with governing authority about class discovery, I can assure you that discovery will move more quickly.

Respectfully,

/s/ Brian Field
Brian Field



Section 12: Religious Discrimination

This guidance document was issued upon approval by vote of the U.S. Equal Employment Opportunity Commission.

OLC Control Number:

EEOC-CVG-2021-3

Concise Display Name:

Section 12: Religious Discrimination

Issue Date:

01-15-2021

General Topics:

Religion

Summary:

This document addresses Title VII's prohibition against religious discrimination in employment, including topics such as religious harassment, and workplace accommodation of religious beliefs and practices.

Citation:

Title VII

Document Applicant:

Employers, Employees, Applicants, Attorneys and Practitioners, EEOC Staff

Previous Revision:

Yes. This document replaces previously existing guidance by the same title issued 7/22/08.



The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

		Number
<i>EEOC</i>	<i>DIRECTIVES TRANSMITTAL</i>	915.063
		1/15/21

SUBJECT:	Compliance Manual on Religious Discrimination
PURPOSE:	This sub-regulatory document supersedes the Commission’s Compliance Manual on Religious Discrimination issued on July 22, 2008. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. Any final document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.
EFFECTIVE DATE:	Upon Publication.
EXPIRATION DATE:	Until rescinded.

ORIGINATOR:	Office of Legal Counsel
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Janet Dhillon, Chair

SECTION 12: RELIGIOUS DISCRIMINATION

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Employee Best Practices. Error! Bookmark not defined

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SECTION 12: RELIGIOUS DISCRIMINATION

OVERVIEW[1]

This Section of the Compliance Manual focuses on religious discrimination under Title VII

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of the Civil Rights Act of 1964 (Title VII). Title VII protects workers from employment discrimination based on their race, color, religion, sex (including pregnancy, sexual orientation, and transgender status),^[2] national origin, or protected activity. Under Title VII, an employer is prohibited from discriminating because of religion in hiring, promotion, discharge, compensation, or other “terms, conditions or privileges” of employment, and also cannot “limit, segregate, or classify” applicants or employees based on religion “in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee.”^[3] The statute defines “religion” as including “all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that [it] is unable to reasonably accommodate . . . without undue hardship on the conduct of the employer’s business.”^[4] “Undue hardship” under Title VII is not defined in the statute but has been defined by the Supreme Court as “more than a de minimis cost”^[5] – a lower standard for employers to satisfy than the “undue hardship” defense under the Americans with Disabilities Act (ADA), which is defined by statute as “significant difficulty or expense.”^[6]

These protections apply whether the religious beliefs or practices in question are common or non-traditional, and regardless of whether they are recognized by any organized religion.^[7] The test under Title VII’s definition of religion is whether the beliefs are, in the individual’s “own scheme of things, religious.”^[8] Belief in God or gods is not necessary; nontheistic beliefs can also be religious for purposes of the Title VII exemption as long as they “occupy in the life of that individual “a place parallel to that filled by . . . God” in traditionally religious persons.”^[9] The non-discrimination provisions of the statute also protect employees who do not possess religious beliefs or engage in religious practices.^[10] EEOC, as a federal government enforcement agency, and its staff, like all governmental entities, carries out its mission neutrally and without any hostility to any religion or related observances, practices, and beliefs, or lack thereof.^[11]

The number of religious discrimination charges filed with EEOC has increased significantly from fiscal years 1997 to 2019, although the total number of such charges remains relatively small compared to charges filed on other bases.^[12] Many employers seek legal guidance in managing equal employment opportunity (“EEO”) issues that arise from religious diversity as well as the demands of the modern American workplace. This document is designed to be a practical resource for employers, employees, practitioners, and EEOC enforcement staff on Title VII’s prohibition against religious discrimination. It explains the variety of issues

considered in workplace-related religious discrimination claims, discusses typical scenarios that may arise, and provides guidance to employers on how to balance the rights of individuals in an environment that includes people of varying religious faiths, or no faith.[13] **However, this document does not have the force and effect of law and is not meant to bind the public in any way. It is intended to provide clarity to the public on existing requirements under the law and how the Commission will analyze these matters in performing its duties.**

For ease of reference this document is organized by the following topics:

I – Coverage issues, including the types of cases that arise, the definition of “religion” and “sincerely held,” the religious organization exemption, and the ministerial exception.

II – Employment decisions based on religion, including recruitment, hiring, segregation, promotion, discipline, and compensation, as well as differential treatment with respect to religious expression; customer preference; security requirements; and bona fide occupational qualifications.

III – Harassment, including harassment based on religious belief or practice as a condition of employment or advancement, hostile work environment, and employer liability issues.

IV – Reasonable accommodation, including notice of the conflict between religion and work where applicable, scope of the accommodation requirement and “undue hardship” defense, and common methods of accommodation.

V – Related forms of discrimination, such as discrimination based on national origin, race, or color, as well as retaliation.

12-I COVERAGE

Types of Cases

Title VII prohibits covered employers, employment agencies, and unions[14] from engaging in disparate treatment and from maintaining policies or practices that result in unjustified disparate impact based on religion. Historically, courts and the Commission characterized denial of accommodation as a separate cause of action. [15] In *EEOC v. Abercrombie & Fitch Stores, Inc.*, the Supreme Court stated that there are only two causes of action under Title VII: “disparate treatment” (or “intentional

discrimination”) and “disparate impact.”[16] It treated a claim based on a failure to accommodate a religious belief, observance, or practice (absent undue hardship) as a form of disparate treatment.[17] The Commission recognizes that harassment and denial of religious accommodation are typically forms of disparate treatment in the terms and conditions of employment. Different types of fact patterns may arise in relation to Title VII religious discrimination, including:

- treating applicants or employees differently (disparate treatment) by taking an adverse action based on their religious beliefs, observances, or practices (or lack of religious beliefs, observances or practices) in any aspect of employment, including recruitment, hiring, assignments, discipline, promotion, discharge, and benefits;
- taking adverse action motivated by a desire to avoid accommodating a religious belief, observance, or practice that the employer knew or suspected may be needed and would not pose an undue hardship;
- denying a needed reasonable accommodation sought for an applicant’s or employee’s sincerely held religious beliefs, observances, or practices if an accommodation will not impose an undue hardship on the conduct of the business;
- intentionally limiting, segregating or classifying employees based on the presence or absence of religious beliefs, observances, or practices (also a form of disparate treatment), or enforcing a neutral rule that has the effect of limiting, segregating, or classifying an applicant or employee based on religious beliefs, observances, or practices and that cannot be justified by business necessity (disparate impact);
- subjecting employees to harassment because of their religious beliefs, observances, or practices (or lack of religious beliefs, observances or practices) or because of a belief that someone of the employee’s religion should not associate with someone else (e.g., discrimination because of an employee’s religious inter-marriage, etc.);
- retaliating against an applicant or employee who has opposed discrimination on the basis of religion, or participated in any manner in an investigation, proceeding, or hearing regarding discrimination on the basis of religion, including by filing an equal employment opportunity (EEO) charge or

testifying as a witness in someone else's EEO matter, or complaining to a human resources department about alleged religious discrimination.

Although more than one of these issues may be raised in a particular case, they are discussed in separate parts of this manual for ease of use.

• NOTE TO EEOC INVESTIGATORS •

Charges involving religion, like charges filed on other bases, may give rise to more than one theory of discrimination (e.g., termination, harassment, denial of reasonable accommodation, or other forms of disparate treatment, as well as retaliation). Therefore, these charges could be investigated and analyzed under all theories of liability to the extent applicable.

A. Definitions

Overview: Religion is very broadly defined for purposes of Title VII. The presence of a deity or deities is not necessary for a religion to receive protection under Title VII. Religious beliefs can include unique beliefs held by a few or even one individual; however, mere personal preferences are not religious beliefs. Individuals who do not practice any religion are also protected from discrimination on the basis of religion or lack thereof. Title VII requires employers to accommodate religious beliefs, practices and observances if the beliefs are “sincerely held” and the reasonable accommodation poses no undue hardship on the employer.

1. Religion

Title VII defines “religion” to include “all aspects of religious observance and practice as well as belief,” not just practices that are mandated or prohibited by a tenet of the individual’s faith.^[18] Religion includes not only traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, Sikhism, and Buddhism, but also religious beliefs that are new, uncommon, not part of a formal church or

sect, only subscribed to by a small number of people, or that seem illogical or

unreasonable to others.[19] Further, a person’s religious beliefs “need not be confined in either source or content to traditional or parochial concepts of religion.”[20] A belief is “religious” for Title VII purposes if it is “religious” in the person’s “own scheme of things,” i.e., it is a “sincere and meaningful” belief that “occupies a place in the life of its possessor parallel to that filled by . . . God.”[21]

The Supreme Court has made it clear that it is not a court’s role to determine the reasonableness of an individual’s religious beliefs, and that “religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection.”[22] An employee’s belief, observance, or practice can be “religious” under Title VII even if the employee is affiliated with a religious group that does not espouse or recognize that individual’s belief, observance, or practice, or if few – or no – other people adhere to it.[23]

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Religious beliefs include theistic beliefs as well as non-theistic “moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.”[24] Although courts generally resolve doubts about particular beliefs in favor of finding that they are religious,[25] beliefs are not protected merely because they are strongly held. Rather, religion typically concerns “ultimate ideas” about “life, purpose, and death.”[26]

Courts have looked for certain features to determine if an individual’s beliefs can be considered religious. As one court explained: “First, a religion addresses fundamental and ultimate questions having to do with deep and imponderable matters. Second, a religion is comprehensive in nature; it consists of a belief-system as opposed to an isolated teaching. Third, a religion often can be recognized by the presence of certain formal and external signs.”[27]

Social, political, or economic philosophies, as well as mere personal preferences, are not religious beliefs protected by Title VII.[28] However, overlap between a religious and political view does not place it outside the scope of Title VII’s religion protections, as long as that view is part of a comprehensive religious belief system and is not simply an “isolated teaching.”[29] Religious observances or practices

include, for example, attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, and refraining from certain activities.

Determining whether a practice is religious turns not on the nature of the activity, but on the employee's motivation. The same practice might be engaged in by one person for religious reasons and by another person for purely secular reasons.[30]

Whether the practice is religious is therefore a situational, case-by-case inquiry, focusing not on what the activity is but on whether the employee's participation in the activity is pursuant to a religious belief.[31] For example, one employee might

observe certain dietary restrictions for religious reasons while another employee adheres to the very same dietary restrictions but for secular (e.g., health or environmental) reasons.[32] In that instance, the same practice in one case might be subject to reasonable accommodation under Title VII because an employee engages in the practice for religious reasons, and in another case might not be subject to reasonable accommodation because the practice is engaged in for secular reasons.[33] However, EEOC and courts must exercise a "light touch" in making this determination.[34]

The following examples illustrate these concepts:

EXAMPLE 1

Employment Decisions Based on "Religion"

An otherwise qualified applicant is not hired because he is a self-described evangelical Christian. A qualified non-Jewish employee is denied promotion because the supervisor wishes to give a preference based on religion to a fellow Jewish employee. An employer terminates an employee based on his disclosure to the employer that he has recently converted to the Baha'i Faith. Each of these is an example of an employment decision based on the religious belief or practice of the applicant or employee, and therefore is discrimination based on "religion" within the meaning of Title VII.

EXAMPLE 2

A Seventh-day Adventist employee follows a vegetarian diet because she believes it is religiously prescribed by scripture. Her vegetarianism is a religious practice, even though not all Seventh-day Adventists share this belief or follow this practice, and even though many individuals adhere to a vegetarian diet for purely secular reasons.

EXAMPLE 3

Types of Religious Practice or Observance

A Catholic employee requests a schedule change so that he can attend a church service on Good Friday. A Muslim employee requests an exception to the company's dress and grooming code allowing her to wear her headscarf, or a Hindu employee requests an exception allowing her to wear her bindi (religious forehead marking). An employee asks to be excused from the religious invocation offered at the beginning of staff meetings because he objects on religious grounds or does not ascribe to the religious sentiments expressed. An adherent to Native American spiritual beliefs seeks unpaid leave to attend a ritual ceremony. An employee who identifies as Christian but is not affiliated with a particular sect or denomination requests accommodation of his religious belief that working on his Sabbath is prohibited. Each of these requests relates to a "religious" belief, observance, or practice within the meaning of Title VII. The question of whether the employer is required to grant these requests is discussed in the section below addressing religious accommodation.

EXAMPLE 4

Supervisor Considers Belief Illogical

Morgan asks for time off on October 31 to attend the "Samhain Sabbat," the New Year observance of Wicca, her religion. Her

supervisor refuses, saying that Wicca is not a “real” religion but an “illogical conglomeration” of “various aspects of the occult, such as faith healing, self-hypnosis, tarot card reading, and spell casting, which are not religious practices.” The supervisor’s refusal to accommodate her on the ground that he believes her religion is illogical or not a “real religion” violates Title VII unless the employer can show her request would impose an undue hardship. The law applies to religious beliefs even though others may find them “incorrect” or “incomprehensible.”[35]

EXAMPLE 5

Unique Belief Can Be Religious

Edward practices the Kemetic religion, based on ancient Egyptian faith, and affiliates himself with a tribe numbering fewer than ten members. He states that he believes in various deities, and follows the faith’s concept of Ma’at, a guiding principle regarding truth and order that represents physical and moral balance in the universe. During a religious ceremony he received small tattoos encircling his wrist, written in the Coptic language, which express his servitude to Ra, the Egyptian god of the sun. When his employer asks him to cover the tattoos, he explains that it is a sin to cover them intentionally because doing so would signify a rejection of Ra. These can be religious beliefs and practices even if no one else or few other people subscribe to them.[36]

EXAMPLE 6

Personal Preference That Is Not a Religious Belief

Sylvia’s job has instituted a policy that employees cannot have visible tattoos while working. Sylvia refuses to cover a tattoo on her arm that is the logo of her favorite band. When her manager asks her to cover the tattoo, she states that she cannot and that she feels so passionately about the importance of the band to her life that it is

essentially her religion. However, the evidence demonstrates that her tattoos and her feelings do not relate to any “ultimate concerns” such as life, purpose, death, humanity’s place in the universe, or right and wrong, and they are not part of a moral or ethical belief system. Simply feeling passionately about something is not enough to give it the status of a religion in someone’s life. Therefore, her belief is a personal preference that is not religious in nature.^[37]

2. Sincerely Held

Title VII requires employers to accommodate those religious beliefs that are “sincerely held.”^[38] Whether or not a religious belief is sincerely held by an applicant or employee is rarely at issue in many types of Title VII religious claims.^[39] For example, with respect to an allegation of discriminatory discharge or harassment, it is the motivation of the discriminating official, not the actual beliefs of the individual alleging discrimination, that is relevant in determining if the discrimination that occurred was because of religion. A detailed discussion of reasonable accommodation of sincerely held religious beliefs appears in § 12-IV, but the meaning of “sincerely held” is addressed here.

Like the religious nature of a belief, observance, or practice, the sincerity of an employee’s stated religious belief is usually not in dispute and is “generally presumed or easily established.”^[40] Further, the Commission and courts “are not and should not be in the business of deciding whether a person holds religious beliefs for the ‘proper’ reasons. We thus restrict our inquiry to whether or not the religious belief system is sincerely held; we do not review the motives or reasons for

holding the belief in the first place.”^[41] The individual’s sincerity in espousing a religious observance or practice is “largely a matter of individual credibility.”^[42] Moreover, “a sincere religious believer doesn’t forfeit his religious rights merely because he is not scrupulous in his observance,”^[43] although “[e]vidence tending to show that an employee acted in a manner inconsistent with his professed religious belief is, of course, relevant to the factfinder’s evaluation of sincerity.”^[44] Factors that – either alone or in combination – might undermine an employee’s credibility include: whether the employee has behaved in a manner markedly inconsistent with the professed belief;^[45] whether the accommodation sought is a particularly desirable benefit that is likely to be sought for secular reasons;^[46]

whether the timing of the request renders it suspect (e.g., it follows an earlier request by the employee for the same benefit for secular reasons);^[47] and whether

the employer otherwise has reason to believe the accommodation is not sought for religious reasons.

However, none of these factors is dispositive. For example, although prior inconsistent conduct is relevant to the question of sincerity, an individual's beliefs – or degree of adherence – may change over time, and therefore an employee's newly adopted or inconsistently observed religious practice may nevertheless be sincerely held.^[48] Similarly, an individual's belief may be to adhere to a religious custom only at certain times, even though others may always adhere,^[49] or, fearful of discrimination, he or she may have forgone his or her sincerely held religious practice during the application process and not revealed it to the employer until after he or she was hired or later in employment.^[50] An employer also should not assume that an employee is insincere simply because some of his or her practices deviate from the commonly followed tenets of his or her religion, or because the employee adheres to some common practices but not others.^[51] As noted, courts have held that "Title VII protects more than . . . practices specifically mandated by an employee's religion."^[52]

3. Employer Inquiries into Religious Nature or Sincerity of Belief

Because the definition of religion is broad and protects beliefs, observances, and practices with which the employer may be unfamiliar, the employer should ordinarily assume that an employee's request for religious accommodation is based on a sincerely held religious belief. If, however, an employee requests religious accommodation, and an employer has an objective basis for questioning either the religious nature or the sincerity of a particular belief, observance, or practice, the employer would be justified in seeking additional supporting information. See *infra* § 12-IV-A-2.

• NOTE TO EEOC INVESTIGATORS •

If the Respondent (R) disputes that the Charging Party's ("CP's") belief is "religious," consider the following:

⇒ **Begin with the CP's statements.** What religious belief, observance, or practice does the CP claim to have that conflicts with an employment requirement? In most cases, the CP's

credible testimony regarding his belief, observance, or practice will be sufficient to demonstrate that it is religious. In other cases, however, the investigator may need to ask follow-up questions about the nature and tenets of the asserted religious beliefs, and/or any associated practices, rituals, clergy, observances, etc., in order to identify a specific religious belief, observance, or practice or determine if one is at issue, which conflicts with an employment requirement.

⇒ **Since religious beliefs can be unique to an individual, evidence from others is not always necessary.** However, if the CP believes such evidence will support his or her claim, the investigator could seek evidence such as oral statements, affidavits, or other documents from CP's religious leader(s) if applicable, or others whom CP identifies as knowledgeable regarding the religious belief, observance, or practice in question that conflicts with an employment requirement.

⇒ **Remember, where an alleged religious observance, practice, or belief is at issue, a case-by-case analysis is required.**

Investigators should not make assumptions about the nature of an observance, practice, or belief. In determining whether CP's asserted observance, practice, or belief is "religious" as defined under Title VII, the investigator's general knowledge will often be sufficient; if additional objective information has to be obtained, the investigator should nevertheless recognize the intensely personal characteristics of adherence to a religious belief.

⇒ **If the Respondent disputes that CP's belief is "sincerely held," the following evidence may be relevant:**

⇒ Oral statements, an affidavit, or other documents from CP describing his or her beliefs and practices, including information regarding when CP embraced the belief, observance, or practice, as well as when, where, and how CP has adhered to the belief, observance, or practice; and/or,

⇒ Oral statements, affidavits, or other documents from potential witnesses identified by CP or R as having knowledge of whether CP adheres or does not adhere to the



Questions and Answers: Religious Discrimination in the Workplace

This technical assistance document was issued upon approval of the Chair of the U.S. Equal Employment Opportunity Commission.

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The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Title VII of the Civil Rights Act of 1964 prohibits employers with at least 15 employees, as well as employment agencies and unions, from discriminating in employment based on race, color, religion, sex, and national origin. It also prohibits retaliation against persons who complain of discrimination or participate in an EEO investigation. With respect to religion, Title VII prohibits:

- treating applicants or employees differently based on their religious beliefs or practices – or lack thereof – in any aspect of employment, including recruitment, hiring, assignments, discipline, promotion, and benefits (disparate treatment);
- subjecting employees to harassment because of their religious beliefs or practices – or lack thereof – or because of the religious practices or beliefs of people with whom they associate (e.g., relatives, friends, etc.);
- denying a requested reasonable accommodation of an applicant’s or employee’s sincerely held religious beliefs or practices – or lack thereof – if an accommodation will not impose more than a *de minimis* cost or burden on business operations; 1 and,
- retaliating against an applicant or employee who has engaged in protected activity, including participation (e.g., filing an EEO charge or testifying as a witness in someone else’s EEO matter), or opposition to religious discrimination (e.g., complaining to human resources department about alleged religious discrimination).

The following questions and answers were adapted from EEOC’s Compliance Manual Section on Religious Discrimination, available at [**https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination**](https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination) ([**\(https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination\)**](https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination)), which contains more detailed guidance, legal citations, case examples, and best practices. It is designed to be a practical resource for employers, employees, practitioners, and EEOC enforcement staff on Title VII’s prohibition against religious

discrimination, and provides guidance on how to balance the needs of individuals in a diverse religious climate.

1. What is “religion” under Title VII?

Title VII protects all aspects of religious observance and practice as well as belief and defines religion very broadly for purposes of determining what the law covers. For purposes of Title VII, religion includes not only traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism, but also religious beliefs that are new, uncommon, not part of a formal church or sect, only subscribed to by a small number of people, or that seem illogical or unreasonable to others. An employee’s belief or practice can be “religious” under Title VII even if the employee is affiliated with a religious group that does not espouse or recognize that individual’s belief or practice, or if few – or no – other people adhere to it. Title VII’s protections also extend to those who are discriminated against or need accommodation because they profess no religious beliefs.

Religious beliefs include theistic beliefs (i.e. those that include a belief in God) as well as non-theistic “moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.” Although courts generally resolve doubts about particular beliefs in favor of finding that they are religious, beliefs are not protected merely because they are strongly held. Rather, religion typically concerns “ultimate ideas” about “life, purpose, and death.” Social, political, or economic philosophies, as well as mere personal preferences, are not “religious” beliefs protected by Title VII.

Religious observances or practices include, for example, attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, or refraining from certain activities. Whether a practice is religious depends on the employee’s motivation. The same practice might be engaged in by one person for religious reasons and by another person for purely secular reasons (e.g., dietary restrictions, tattoos, etc.).

Discrimination based on religion within the meaning of Title VII could include, for example: not hiring an otherwise qualified applicant because he is a self-described evangelical Christian; a Jewish supervisor denying a promotion to a qualified non-Jewish employee because the supervisor wishes to give a preference based on

religion to a fellow Jewish employee; or, terminating an employee because he told the employer that he recently converted to the Baha'i Faith.

Similarly, requests for accommodation of a "religious" belief or practice could include, for example: a Catholic employee requesting a schedule change so that he can attend church services on Good Friday; a Muslim employee requesting an exception to the company's dress and grooming code allowing her to wear her headscarf, or a Hindu employee requesting an exception allowing her to wear her bindi (religious forehead marking); an atheist asking to be excused from the religious invocation offered at the beginning of staff meetings; an adherent to Native American spiritual beliefs seeking unpaid leave to attend a ritual ceremony; or an employee who identifies as Christian but is not affiliated with a particular sect or denomination requests accommodation of his religious belief that working on his Sabbath is prohibited.

2. Are there any exceptions to who is covered by Title VII's religion provisions?

Yes. While Title VII's jurisdictional rules apply to all religious discrimination claims under the statute, see EEOC Compliance Manual, "Threshold Issues,"

<https://www.eeoc.gov/policy/docs/threshold.html>

(<https://www.eeoc.gov/policy/docs/threshold.html>), specially-defined "religious organizations" and "religious educational institutions" are exempt from certain religious discrimination provisions, and a "ministerial exception" bars Title VII claims by employees who serve in clergy roles.

Religious Organization Exception: Under Title VII, religious organizations are permitted to give employment preference to members of their own religion. The exception applies only to those institutions whose "purpose and character are primarily religious." Factors to consider that would indicate whether an entity is religious include: whether its articles of incorporation state a religious purpose; whether its day-to-day operations are religious (e.g., are the services the entity performs, the product it produces, or the educational curriculum it provides directed toward propagation of the religion?); whether it is not-for-profit; and whether it affiliated with, or supported by, a church or other religious organization.

This exception is not limited to religious activities of the organization. However, it only allows religious organizations to prefer to employ individuals who share their religion. The exception does not allow religious organizations otherwise to discriminate in employment on the basis of race, color, national origin, sex, age, or

disability. Thus, a religious organization is not permitted to engage in racially discriminatory hiring by asserting that a tenet of its religious beliefs is not associating with people of other races.

Ministerial Exception: Courts have held that clergy members generally cannot bring claims under the federal employment discrimination laws, including Title VII, the Age Discrimination in Employment Act, the Equal Pay Act, and the Americans with Disabilities Act. This “ministerial exception” comes not from the text of the statutes, but from the First Amendment principle that governmental regulation of church administration, including the appointment of clergy, impedes the free exercise of religion and constitutes impermissible government entanglement with church authority. The exception applies only to employees who perform essentially religious functions, namely those whose primary duties consist of engaging in church governance, supervising a religious order, or conducting religious ritual, worship, or instruction. Some courts have made an exception for harassment claims where they concluded that analysis of the case would not implicate these constitutional constraints.

3. What is the scope of the Title VII prohibition on disparate treatment based on religion?

Title VII’s prohibition against disparate (different) treatment based on religion generally functions like its prohibition against disparate treatment based on race, color, sex, or national origin. Disparate treatment violates the statute whether the difference is motivated by bias against or preference toward an applicant or employee due to his religious beliefs, practices, or observances – or lack thereof. For example, except to the extent permitted by the religious organization or ministerial exceptions:

- employers may not refuse to recruit, hire, or promote individuals of a certain religion, impose stricter promotion requirements for persons of a certain religion, or impose more or different work requirements on an employee because of that employee’s religious beliefs or practices
- employers may not refuse to hire an applicant simply because he does not share the employer’s religious beliefs, and conversely may not select one applicant over another based on a preference for employees of a particular religion

- employment agencies may not comply with requests from employers to engage in discriminatory recruitment or referral practices, for example by screening out applicants who have names often associated with a particular religion (e.g., Mohammed)
- employers may not exclude an applicant from hire merely because he or she may need a reasonable accommodation that could be provided absent undue hardship.

The prohibition against disparate treatment based on religion also applies to disparate treatment of religious expression in the workplace. For example, if an employer allowed one secretary to display a Bible on her desk at work while telling another secretary in the same workplace to put the Quran on his desk out of view because co-workers “will think you are making a political statement, and with everything going on in the world right now we don’t need that around here,” this would be differential treatment in violation of Title VII. (As discussed below, Title VII also requires employers to accommodate expression that is based on a sincerely held religious practice or belief, unless it threatens to constitute harassment or otherwise poses an undue hardship on the conduct of the business.)

4. What constitutes religious harassment under Title VII?

Religious harassment in violation of Title VII occurs when employees are:

- (1) required or coerced to abandon, alter, or adopt a religious practice as a condition of employment (this type of “quid pro quo” harassment may also give rise to a disparate treatment or denial of accommodation claim in some circumstances); or
- (2) subjected to unwelcome statements or conduct that is based on religion and is so severe or pervasive that the individual being harassed reasonably finds the work environment to be hostile or abusive, and there is a basis for holding the employer liable.

It is necessary to evaluate all of the surrounding circumstances to determine whether or not particular conduct or remarks are unwelcome. For example, where an employee is upset by repeated mocking use of derogatory terms or comments about his religious beliefs or observance by a colleague, it may be evident that the conduct is unwelcome. In contrast, a consensual conversation about religious views, even if quite spirited, does not constitute harassment if it is not unwelcome.

Even unwelcome religiously motivated conduct is not unlawful unless the victim subjectively perceives the environment to be abusive and the conduct is severe or pervasive enough to create an environment that a reasonable person would find hostile or abusive. Religious expression that is repeatedly directed at an employee can become severe or pervasive, whether or not the content is intended to be insulting or abusive. Thus, for example, persistently reiterating atheist views to a religious employee who has asked that this conduct stop can create a hostile environment.

The extent to which the expression is directed at a particular employee is relevant to determining whether or when it could reasonably be perceived to be severe or pervasive by that employee. For example, although it is conceivable that an employee may allege that he is offended by a colleague's wearing of religious garb, expressing one's religion by wearing religious garb is not religious harassment. It merely expresses an individual's religious affiliation and does not demean other religious views. As such, it is not objectively hostile. Nor is it directed at any particular individual. Similarly, workplace displays of religious artifacts or posters that do not demean other religious views generally would not constitute religious harassment.

5. When is an employer liable for religious harassment?

An employer is always liable for a supervisor's harassment if it results in a tangible employment action. However, if it does not, the employer may be able to avoid liability or limit damages by showing that: (a) the employer exercised reasonable care to prevent and correct promptly any harassing behavior, and (b) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise. An employer is liable for harassment by co-workers where it knew or should have known about the harassment, and failed to take prompt and appropriate corrective action. An employer is liable for harassment by non-employees where it knew or should have known about the harassment, could control the harasser's conduct or otherwise protect the employee, and failed to take prompt and appropriate corrective action.

6. When does Title VII require an employer to accommodate an applicant or employee's religious belief, practice, or observance?

Title VII requires an employer, once on notice that a religious accommodation is needed, to reasonably accommodate an employee whose sincerely held religious

belief, practice, or observance conflicts with a work requirement, unless doing so would pose an undue hardship. Under Title VII, the undue hardship defense to providing religious accommodation requires a showing that the proposed accommodation in a particular case poses a “more than de minimis” cost or burden. Note that this is a lower standard for an employer to meet than undue hardship under the Americans with Disabilities Act (ADA) which is defined in that statute as “significant difficulty or expense.”

7. How does an employer learn that accommodation may be needed?

An applicant or employee who seeks religious accommodation must make the employer aware both of the need for accommodation and that it is being requested due to a conflict between religion and work.

Employer-employee cooperation and flexibility are key to the search for a reasonable accommodation. If the accommodation solution is not immediately apparent, the employer should discuss the request with the employee to determine what accommodations might be effective. If the employer requests additional information reasonably needed to evaluate the request, the employee should provide it. For example, if an employee has requested a schedule change to accommodate daily prayers, the employer may need to ask for information about the religious observance, such as time and duration of the daily prayers, in order to determine whether accommodation can be granted without posing an undue hardship on the operation of the employer’s business. Moreover, even if the employer does not grant the employee’s preferred accommodation, but instead provides an alternative accommodation, the employee must cooperate by attempting to meet his religious needs through the employer’s proposed accommodation if possible.

8. Does an employer have to grant every request for accommodation of a religious belief or practice?

No. Title VII requires employers to accommodate only those religious beliefs that are religious and “sincerely held,” and that can be accommodated without an undue hardship. Although there is usually no reason to question whether the practice at issue is religious or sincerely held, if the employer has a bona fide doubt about the basis for the accommodation request, it is entitled to make a limited inquiry into the facts and circumstances of the employee’s claim that the belief or practice at issue is religious and sincerely held, and gives rise to the need for the accommodation.

Factors that – either alone or in combination – might undermine an employee’s assertion that he sincerely holds the religious belief at issue include: whether the employee has behaved in a manner markedly inconsistent with the professed belief; whether the accommodation sought is a particularly desirable benefit that is likely to be sought for secular reasons; whether the timing of the request renders it suspect (e.g., it follows an earlier request by the employee for the same benefit for secular reasons); and whether the employer otherwise has reason to believe the accommodation is not sought for religious reasons.

However, none of these factors is dispositive. For example, although prior inconsistent conduct is relevant to the question of sincerity, an individual’s beliefs – or degree of adherence – may change over time, and therefore an employee’s newly adopted or inconsistently observed religious practice may nevertheless be sincerely held. An employer also should not assume that an employee is insincere simply because some of his or her practices deviate from the commonly followed tenets of his or her religion.

9. When does an accommodation pose an “undue hardship”?

An accommodation would pose an undue hardship if it –would cause more than de minimis cost on the operation of the employer’s business. Factors relevant to undue hardship may include the type of workplace, the nature of the employee’s duties, the identifiable cost of the accommodation in relation to the size and operating costs of the employer, and the number of employees who will in fact need a particular accommodation.

Costs to be considered include not only direct monetary costs but also the burden on the conduct of the employer’s business. For example, courts have found undue hardship where the accommodation diminishes efficiency in other jobs, infringes on other employees’ job rights or benefits, impairs workplace safety, or causes co-workers to carry the accommodated employee’s share of potentially hazardous or burdensome work. Whether the proposed accommodation conflicts with another law will also be considered.

To prove undue hardship, the employer will need to demonstrate how much cost or disruption a proposed accommodation would involve. An employer cannot rely on potential or hypothetical hardship when faced with a religious obligation that conflicts with scheduled work, but rather should rely on objective information. A mere assumption that many more people with the same religious practices as the

individual being accommodated may also seek accommodation is not evidence of undue hardship.

If an employee's proposed accommodation would pose an undue hardship, the employer should explore alternative accommodations.

10. Does an employer have to provide an accommodation that would violate a seniority system or collective bargaining agreement?

No. A proposed religious accommodation poses an undue hardship if it would deprive another employee of a job preference or other benefit guaranteed by a bona fide seniority system or collective bargaining agreement (CBA). Of course, the mere existence of a seniority system or CBA does not relieve the employer of the duty to attempt reasonable accommodation of its employees' religious practices; the question is whether an accommodation can be provided without violating the seniority system or CBA. Often an employer can allow co-workers to volunteer to substitute or swap shifts as an accommodation to address a scheduling need without violating a seniority system or CBA.

11. What if co-workers complain about an employee being granted an accommodation?

Although religious accommodations that infringe on co-workers' ability to perform their duties or subject co-workers to a hostile work environment will generally constitute undue hardship, general disgruntlement, resentment, or jealousy of co-workers will not. Undue hardship requires more than proof that some co-workers complained; a showing of undue hardship based on co-worker interests generally requires evidence that the accommodation would actually infringe on the rights of co-workers or cause disruption of work.

12. Can a requested accommodation be denied due to security considerations?

If a religious practice actually conflicts with a legally mandated security requirement, an employer need not accommodate the practice because doing so would create an undue hardship. If a security requirement has been unilaterally imposed by the employer and is not required by law or regulation, the employer will need to decide whether it would be an undue hardship to modify or eliminate the requirement to accommodate an employee who has a religious conflict.

13. What are common methods of religious accommodation in the workplace?

Under Title VII, an employer or other covered entity may use a variety of methods to provide reasonable accommodations to its employees. Some of the most common methods are:

- **Scheduling Changes, Voluntary Substitutes, and Shift Swaps**

An employer may be able to reasonably accommodate an employee by allowing flexible arrival and departure times, floating or optional holidays, flexible work breaks, use of lunch time in exchange for early departure, staggered work hours, and other means to enable an employee to make up time lost due to the observance of religious practices. Eliminating only part of the conflict is not sufficient, unless entirely eliminating the conflict will pose an undue hardship by disrupting business operations or impinging on other employees' benefits or settled expectations.

Moreover, although it would pose an undue hardship to require employees *involuntarily* to substitute for one another or swap shifts, the reasonable accommodation requirement can often be satisfied without undue hardship where a volunteer with substantially similar qualifications is available to cover, either for a single absence or for an extended period of time. The employer's obligation is to make a good faith effort to allow voluntary substitutions and shift swaps, and not to discourage employees from substituting for one another or trading shifts to accommodate a religious conflict. However, if the employer is on notice that the employee's religious beliefs preclude him not only from working on his Sabbath but also from inducing others to do so, reasonable accommodation requires more than merely permitting the employee to swap, absent undue hardship.

An employer does not have to permit a substitute or swap if it would pose more than *de minimis* cost or burden to business operations. If a swap or substitution would result in the employer having to pay premium wages (such as overtime pay), the frequency of the arrangement will be relevant to determining if it poses an undue hardship. The Commission will presume that the infrequent payment of premium wages for a substitute or the payment of premium wages while a more permanent accommodation is being sought are costs which an employer can be required to bear as a means of providing reasonable accommodation. 29 C.F.R. Part 1605.

- **Changing an employee's job tasks or providing a lateral transfer**

When an employee's religious belief or practice conflicts with a particular task, appropriate accommodations may include relieving the employee of the task or transferring the employee to a different position or location that eliminates the conflict. Whether such accommodations pose an undue hardship will depend on factors such as the nature or importance of the duty at issue, the availability of others to perform the function, the availability of other positions, and the applicability of a CBA or seniority system.

The employee should be accommodated in his or her current position if doing so does not pose an undue hardship. If no such accommodation is possible, the employer needs to consider whether lateral transfer is a possible accommodation.

- **Making an exception to dress and grooming rules**

When an employer has a dress or grooming policy that conflicts with an employee's religious beliefs or practices, the employee may ask for an exception to the policy as a reasonable accommodation. Religious grooming practices may relate, for example, to shaving or hair length. Religious dress may include clothes, head or face coverings, jewelry, or other items. Absent undue hardship, religious discrimination may be found where an employer fails to accommodate the employee's religious dress or grooming practices.

Some courts have concluded that it would pose an undue hardship if an employer was required to accommodate a religious dress or grooming practice that conflicts with the public image the employer wishes to convey to customers. While there may be circumstances in which allowing a particular exception to an employer's dress and grooming policy would pose an undue hardship, an employer's reliance on the broad rubric of "image" to deny a requested religious accommodation may amount to relying on customer religious bias ("customer preference") in violation of Title VII. There may be limited situations in which the need for uniformity of appearance is so important that modifying the dress code would pose an undue hardship. However, even in these situations, a case-by-case determination is advisable.

- **Use of the work facility for a religious observance**

If an employee needs to use a workplace facility as a reasonable accommodation, for example use of a quiet area for prayer during break time,

the employer should accommodate the request under Title VII unless it would pose an undue hardship. If the employer allows employees to use the facilities at issue for non-religious activities not related to work, it may be difficult for the employer to demonstrate that allowing the facilities to be used in the same manner for religious activities is not a reasonable accommodation or poses an undue hardship. The employer is not required to give precedence to the use of the facility for religious reasons over use for a business purpose.

- **Accommodations relating to payment of union dues or agency fees**

Absent undue hardship, Title VII requires employers and unions to accommodate an employee who holds religious objections to joining or financially supporting a union. Such an employee can be accommodated by allowing the equivalent of her union dues (payments by union members) or agency fees (payments often required from non-union members in a unionized workplace) to be paid to a charity agreeable to the employee, the union, and the employer. Whether a charity-substitute accommodation for payment of union dues would cause an undue hardship is an individualized determination based upon, among other things, the union's size, operational costs, and the number of individuals that need the accommodation.

If an employee's religious objection is not to joining or financially supporting the union, but rather to the union's support of certain political or social causes, possible accommodations include, for example, reducing the amount owed, allowing the employee to donate to a charitable organization the full amount the employee owes or that portion that is attributable to the union's support of the cause to which the employee has a religious objection, or diverting the full amount to the national, state, or local union in the event one of those entities does not engage in support of the cause to which the employee has a religious objection.

- **Accommodating prayer, proselytizing, and other forms of religious expression**

Some employees may seek to display religious icons or messages at their work stations. Others may seek to proselytize by engaging in one-on-one discussions regarding religious beliefs, distributing literature, or using a particular religious phrase when greeting others. Still others may seek to engage in prayer at their work stations or to use other areas of the workplace for either individual or

group prayer or study. In some of these situations, an employee might request accommodation in advance to permit such religious expression. In other situations, the employer will not learn of the situation or be called upon to consider any action unless it receives complaints about the religious expression from either other employees or customers.

Employers should not try to suppress all religious expression in the workplace. Title VII requires that employers accommodate an employee's sincerely held religious belief in engaging in religious expression in the workplace to the extent that they can do so without undue hardship on the operation of the business. In determining whether permitting an employee to pray, proselytize, or engage in other forms of religiously oriented expression in the workplace would pose an undue hardship, relevant considerations may include the effect such expression has on co-workers, customers, or business operations.

For example, if an employee's proselytizing interfered with work, the employer would not have to allow it. Similarly, if an employee complained about proselytizing by a co-worker, the employer can require that the proselytizing to the complaining employee cease. Moreover, if an employee was proselytizing an employer's customers or clients in a manner that disrupted business, or that could be mistaken as the employer's own message, the employer would not have to allow it. Where the religiously oriented expression is limited to use of a phrase or greeting, it is more difficult for the employer to demonstrate undue hardship. On the other hand, if the expression is in the manner of individualized, specific proselytizing, an employer is far more likely to be able to demonstrate that it would constitute an undue hardship to accommodate an employee's religious expression, regardless of the length or nature of the business interaction. An employer can restrict religious expression where it would cause customers or co-workers reasonably to perceive the materials to express the employer's own message, or where the item or message in question is harassing or otherwise disruptive.

14. What if an employee objects on religious grounds to an employer-sponsored program?

Some private employers choose to express their own religious beliefs or practices in the workplace, and they are entitled to do so. However, if an employer holds religious services or programs or includes prayer in business meetings, Title VII

requires that the employer accommodate an employee who asks to be excused for religious reasons, absent a showing of undue hardship.

Similarly, an employer is required to excuse an employee from compulsory personal or professional development training that conflicts with the employee's sincerely held religious beliefs or practices, unless doing so would pose an undue hardship. It would be an undue hardship to excuse an employee from training, for example, where the training provides information on how to perform the job, or how to comply with equal employment opportunity obligations, or on other workplace policies, procedures, or legal requirements.

15. Do national origin, race, color, and religious discrimination intersect in some cases?

Yes. Title VII's prohibition against religious discrimination may overlap with Title VII's prohibitions against discrimination based on national origin, race, and color. Where a given religion is strongly associated – or perceived to be associated – with a certain national origin, the same facts may state a claim of both religious and national origin discrimination. All four bases might be implicated where, for example, co-workers target a dark-skinned Muslim employee from Saudi Arabia for harassment because of his religion, national origin, race, and/or color.

16. Does Title VII prohibit retaliation?

Yes. Title VII prohibits retaliation by an employer, employment agency, or labor organization because an individual has engaged in protected activity. Protected activity consists of opposing a practice the employee reasonably believes is made unlawful by one of the employment discrimination statutes or of filing a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under the statute. EEOC has taken the position that requesting religious accommodation is protected activity.

17. How might First Amendment constitutional issues arise in Title VII religion cases?

The First Amendment religion and speech clauses ("Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech") protect individuals against restrictions imposed by the government, not by private entities, and therefore do not apply to rules imposed on private sector employees by their employers. The First Amendment,

however, does protect private sector employers from government interference with their free exercise and speech rights. Moreover, government employees' religious expression is protected by both the First Amendment and Title VII. See Guidelines on Religious Exercise and Religious Expression in the Federal Workplace (Aug. 14, 1997) (available at

<https://clintonwhitehouse2.archives.gov/WH/New/html/19970819-3275.html> (<https://clintonwhitehouse2.archives.gov/WH/New/html/19970819-3275.html>).

For example, a government employer may contend that granting a requested religious accommodation would pose an undue hardship because it would constitute government endorsement of religion in violation of the Establishment Clause of the First Amendment.

18. What should an applicant or employee do if he believes he has experienced religious discrimination?

Employees or job applicants should attempt to address concerns with the alleged offender and, if that does not work, report any unfair or harassing treatment to the company. They should keep records documenting what they experienced or witnessed, as well as other witness names, telephone numbers, and addresses. Employees may file a charge with the EEOC, and are legally protected from being punished for reporting or opposing job discrimination or for participating in an EEOC investigation. Charges against private sector and local and state government employers may be filed in person, by mail, or by telephone by contacting the nearest EEOC office. If there is no EEOC office in the immediate area, call toll free 1-800-669-4000 or 1-800-669-6820 (TTY) for more information. Federal sector employees and applicants should contact the EEO office of the agency responsible for the alleged discrimination to initiate EEO counseling. For more details, see How to File a Charge of Employment Discrimination,

<https://www.eeoc.gov/employees/charge.cfm> (<https://www.eeoc.gov/filing-charge-discrimination>).

Footnotes

¹ Undue hardship under Title VII is defined as “more than *de minimis*” cost or burden -- a lower standard for employers to satisfy than the “undue hardship” defense under the Americans with Disabilities Act (ADA), which is defined instead as “significant difficulty or expense.” Various state and local laws may have provisions that are broader than Title VII in terms of the protected bases covered, the

discrimination prohibited or accommodation required, or the legal standards and defenses that apply.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et al.*,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

Civil Action No.: 4:21-01074-P

**PLAINTIFFS' THIRD SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Plaintiffs David Sambrano, David Castillo, Kimberly Hamilton, Debra Jennefer Thal Jonas, Genise Kincannon, Jarrad Rains, Alyse Medlin, and Charles Burk (collectively, "Plaintiffs") hereby request that Defendant United Airlines ("Defendant" or "United") produce the following documents and information as required by Federal Rules of Civil Procedure 26, 34, and all applicable local rules. All responsive documents and information should be sent to the undersigned counsel for the Plaintiffs using a mutually agreeable process.

INSTRUCTIONS

1. These requests for production ("Discovery Requests") are governed by Federal Rules of Civil Procedure 26 and 34, as well as any local rules. Those rules are incorporated herein.
2. In responding to these Discovery Requests, Defendant shall identify and produce all documents and information within its possession, custody, or control, wherever located, including documents in the possession of attorneys, representatives, agents, or other persons acting on Defendant's behalf.



3. With regard to attorney-client and work-product privilege objections to the production of documents, you are requested to prepare an index listing each and every document, or portion of document, withheld, stating the document date, preparer, intended recipients(s), subject matter(s), and persons who have received the document or have been told about the contents thereof.

4. To the extent Defendant claims that any requested document or portion thereof is protected from release by any privilege or work-product immunity, Defendant shall redact the document and release all non-privileged portions of the document.

5. These Discovery Requests are intended to be a continuing obligation upon Defendant to furnish all information and documents requested herein until final disposition of this case. Defendant shall provide, through supplemental responses, such additional documents and/or information as Plaintiffs or any persons acting on their behalf may hereafter obtain as necessary to correct or update any previous response. Any such supplemental response shall be provided to Plaintiffs promptly after the additional information is discovered, but in any event not later than 20 days after such discovery.

6. In responding to each request for production, if you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person who you believe has custody, possession, or control of the document.

7. Unless stated otherwise, the date range for these requests is January 1, 2020, through the present.

8. If you object in part to any document request, respond in full to the remainder.

9. All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained. If for any reason the container cannot be produced, you shall produce copies of all labels or other identifying markings thereon. In addition, you should identify the particular request for production to which each document is responsive.

DEFINITIONS

1. “Document” means any written, recorded, or graphic material of any kind, whether prepared by you or by any other person, that is in your possession, custody, or control. The term includes: agreements; contracts; letters; inter-office communications; memoranda; reports; records; instructions; specifications; notes; notebooks; scrapbooks; diaries; photographs; photocopies; charts; graphs; descriptions; drafts, whether or not they resulted in a final document; minutes of meetings, conferences, and telephone or other conversations or communications; invoices; recordings; published or unpublished speeches or articles; publications; transcripts of telephone conversations; phone mail; text messages; electronic-mail; ledgers; financial statements; microfilm; microfiche; tape or disc recordings; and computer print-outs.

2. “You” means Defendant in the above-captioned civil action.

REQUESTS FOR PRODUCTION

1. Produce all documents you have obtained or received by subpoena, deposition on written questions, federal or state open records requests, or authorization by you in connection with this case.

April 27, 2023

Respectfully submitted,

/s/ John C. Sullivan

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