

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

**DAVID SAMBRANO, et al., individually,
and on behalf of all others similarly
situated,**

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

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Civil Action No.

4:21-CV-01074-P

**APPENDIX IN SUPPORT OF DEFENDANT'S
OPPOSITION TO PLAINTIFFS' MOTION FOR
RECONSIDERATION OF ORDER PARTIALLY GRANTING MOTION TO DISMISS**

NOW COMES, Defendant United Airlines, Inc. and files this Appendix in Support of Its Opposition to Plaintiffs' Motion for Reconsideration of Order Partially Granting Motion to Dismiss.

Ex. A	Excerpts from the transcript of the corporate representative App. 1 - 6 deposition of Kirk Limacher taken on November 6, 2023
Ex. B	Excerpts from the transcript of the deposition of App. 7 - 12 Jarrad Rains taken on October 10, 2023

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
Taylor J. Winn
State Bar No. 24115960
Kelly Hart & Hallman LLP
201 Main St., Ste. 2500
Fort Worth, Texas 76102
(817) 878-3562 (telephone)
(817) 335-2820 (facsimile)
Email: russell.cawyer@kellyhart.com
Email: taylor.winn@kellyhart.com

Jordan M. Matthews
IL Bar No. 6300503
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
Telephone: (212) 326-3880
Facsimile: (212) 755-7306
Email: amaugeri@jonesday.com

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

CERTIFICATE OF SERVICE

On February 6, 2024, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5 (b)(2).

/s/ Russell D. Cawyer

Russell D. Cawyer

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, et al.,)

Plaintiffs,)

vs.)

UNITED AIRLINES, INC.,)

Defendant.)

No. 4:21-01074-P

VIDEOTAPED DEPOSITION OF WILLIAM KIRK LIMACHER

Pursuant to Rule 30(b)(6) - Volume 1

Chicago, Illinois

Monday, November 6th, 2023

REPORTED BY: GREG S. WEILAND, CSR, RMR, CRR

JOB NO.: 6146533



November 6th, 2023

9:05 a.m. Central Standard Time

Videotaped Deposition of WILLIAM KIRK
LIMACHER, taken before GREG S. WEILAND, CSR, RMR,
CRR, pursuant to Rule 30(b)(6) of the Federal Rules
of Civil Procedure for the United States District
Court pertaining to the taking of depositions, at
Suite 4800, 110 North Wacker Drive, in the City of
Chicago, Cook County, Illinois, commencing at
9:05 o'clock a.m. Central Standard Time, on the
6th day of November, 2023.

1 PRESENT:

2
3 ON BEHALF OF THE PLAINTIFFS:

4 SCHAERR JAFFE LLP

5 BY: MR. BRIAN J. FIELD

6 MS. CRISTINA M. SQUIERS

7 1717 K Street NW, Suite 900

8 Washington, D.C. 20006

9 (202) 787-1060

10 Email: bfield@schaerr-jaffe.com

11 csquiers@schaerr-jaffe.com

12 - and -

13 S|L LAW PLLC

14 BY: MR. JOHN C. SULLIVAN

15 610 Uptown Boulevard, Suite 2000

16 Cedar Hill, Texas 75104

17 (469) 523-1351

18 Email: john.sullivan@the-sl-lawfirm.com

1 PRESENT (CONTINUED):

2
3 ON BEHALF OF THE DEFENDANT:

4 JONES DAY

5 BY: MR. DONALD J. MUNRO

6 51 Louisiana Avenue, N.W.

7 Washington, D.C. 20001-2113

8 (202) 879-3922

9 Email: dmunro@jonesday.com

10 - and -

11 JONES DAY

12 BY: MS. JORDAN M. MATTHEWS

13 110 North Wacker Drive, Suite 4800

14 Chicago, Illinois 60606

15 (312) 269-4169

16 Email: jmatthews@jonesday.com

17
18 ALSO PRESENT:

19 MR. SCOT ZIARKO, The Videographer;

20 MS. SHEILA FREDERICK, United Airlines,
21 Assistant General Counsel.

1 cannot have conflict, where the safety risk is too
2 great to not be working as a team.

3 Q. And that's because it would identify
4 somebody as somebody who has not received the COVID
5 vaccine, correct?

6 A. A sticker -- no one else would be wearing
7 a sticker, you know, as opposed to something like a
8 mask, where KN95 masks were readily available by
9 this point. You know, they started as something
10 just healthcare professionals wore. And then there
11 was a run on them. You were paying \$5 a mask.

12 And by this point, they were pretty
13 standard use in the community.

14 Q. Over on the third -- third page of the
15 document we were just looking at, this is another
16 email from Scott Kirby, beginning with the paragraph
17 that has the Number 4.

18 He asks, "Can we just say termination if
19 there's mask violation instead of up to and
20 including subject to your JCBA?"

21 And then he states, "I'm hoping the policy
22 for group 2 sounds very serious to them. Masks at
23 all times (including outdoors) and automatic
24 termination for violating the policy."

25 Why would United have wanted to make sure

1 that the mask requirement sounds very serious?

2 A. Well, again, we have to put ourselves in
3 the context of Delta in 2021 and what was going on.

4 One, we wanted to make sure that these
5 unvaccinated individuals were as safe as possible
6 while continuing to work.

7 Two, mask compliance and adherence was a
8 major area of focus because it was legally required
9 in these operating environments to be masked.

10 So meeting the TSA's requirement was
11 something that was very difficult for our HR and
12 leaders to monitor.

13 So from a place of what we were doing in
14 terms of during COVID in airports managing mask
15 policy, and then coupled with now having individuals
16 in a Delta variant environment, to keeping them
17 safe, as part of the RAP, would have gone into this
18 statement.

19 Q. All right. So to boil that down, safety
20 was one of the reasons that United wanted the mask
21 policy to sound very serious?

22 A. Safety would have been a factor, yes.

23 Q. And you'd agree that safety measures
24 should be based on reliable data, correct?

25 A. Reliable data is important, and I think

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Plaintiffs,) 4:21-cv-01074-P
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UNITED AIRLINES, INC.,)
)
Defendant.)

ORAL AND VIDEOTAPED DEPOSITION OF
JARRAD RAINS
OCTOBER 10, 2023

ORAL AND VIDEOTAPED DEPOSITION OF JARRAD RAINS,
produced as a witness at the instance of the Defendant,
and duly sworn, was taken in the above-styled and
numbered cause on the 10th day of October, 2023, from
9:37 a.m. to 7:01 p.m., before Julie C. Brandt, RMR,
CRR, and CSR in and for the State of Texas, reported by
machine shorthand at Kelly Hart & Hallman, LLP, 201 Main
Street, Suite 2500, Fort Worth, Texas, pursuant to the
Federal Rules of Civil Procedure and the provisions
stated on the record or attached hereto.



APPEARANCES

FOR THE PLAINTIFFS:

John C. Sullivan
SL LAW, PLLC
610 Uptown Blvd., Suite 2000
Cedar Hill, Texas 75104
john.sullivan@the-sl-lawfirm.com

FOR THE DEFENDANT:

Alexander V. Maugeri
Lauren N. Brown
JONES DAY
250 Vesey Street
New York, New York 10281-1047
212-326-3880
amaugeri@jonesday.com
laurenbrown@jonesday.com

-and-

Russell D. Cawyer
KELLY HART & HALLMAN LLP
201 Main Street, Suite 2500
Fort Worth, Texas 76102
817-878-3562
russell.cawyer@kellyhart.com

1 ALSO PRESENT:

2 Mary O'Neil - United (remote via Zoom)

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4 VIDEOGRAPHER:

5 David Crenshaw - Veritext Legal Solutions

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1 So you understood that United would give
2 people medical RAPs even if they weren't necessarily
3 disabled?

4 A. Correct.

5 Q. Okay. Are you claiming any history of
6 allergic reaction as a basis for your medical RAP?

7 A. No, sir.

8 Q. Okay. So in the -- what's called the second
9 amended complaint, the first complaint that you appear
10 in in this case, paragraph 163 states that Mr. Rains
11 updated his accommodation request on September 8, 2021,
12 with a form completed by his doctor noting a history of
13 allergic reactions, including anaphylaxis, and stating
14 that he could not take the vaccine.

15 That's incorrect, isn't it?

16 A. Yeah. Where -- is that --

17 THE WITNESS: Any recollection?

18 A. I'm like -- I know he can't answer.

19 Q. (BY MR. MAUGERI) My best assumption, sir, is
20 that there was a confusion between you and Ms. --
21 Ms. Jonas.

22 A. Okay. Yeah.

23 Q. So -- but I wanted to confirm.

24 A. No.

25 Q. I thought that was going to be your answer.

1 You're not claiming any allergies --

2 A. No previous medical history of that, no, sir.

3 Q. Okay. So just so we have a clear record and
4 aren't talking over each other, no part of your medical
5 RAP is based on anything to do with allergic reactions,
6 including anaphylaxis?

7 A. Correct.

8 Q. And no part of your Americans with
9 Disabilities Act claim in this case is based on any type
10 of allergic reaction history?

11 A. Correct.

12 Q. Okay. And so then by definition, you're not
13 claiming, are you, that any history of allergies makes
14 your heart condition, you know, any worse when it comes
15 to taking the COVID vaccine, right?

16 A. I'm confused now because I thought we were
17 talking about two different things, but it seems like to
18 me you're trying to associate allergic reaction with
19 part of my medical claim. I didn't think there was any
20 distinction between either question, so I'm like what
21 are we doing?

22 Q. Yeah, so I just want to be clear about what
23 you're claiming or not. So because you said you're not
24 claiming allergies, you're not claiming that there's any
25 kind of interaction between your heart issues and any

1 allergies as part of this case, are you?

2 A. I'm trying to find relevance in the question,
3 man, I mean, because there's nothing that associates me
4 with anaphylaxis allergies or this whatever. That's not
5 even relevant to my particular case or part.

6 Q. Okay. That's what I wanted to confirm.

7 I'll represent to you that your attorneys have
8 represented in a motion to the Court --

9 A. Okay.

10 Q. --- that you have both a heart condition and
11 allergies and, when you put them together, it creates
12 even more of a problem.

13 A. Okay.

14 Q. That's not correct, is it?

15 A. To my knowledge, no, sir.

16 Q. Okay. So your -- your sole medical basis for
17 a RAP is your heart condition, correct?

18 A. Well --

19 Q. Okay.

20 A. -- I do have one other medical condition that
21 I didn't even realize at the time. So I'm blind in my
22 left eye, and it's a Coats disease. So it's a blood
23 coagulant problem issue, too, but it's not something at
24 the time that I realized. My sole focus was my heart
25 condition.