

Plaintiff's Exhibit 41

[◀ Contact Us](#)

Share a concern

Have specific feedback?

JetBlue is dedicated to providing award-winning service, and we want to know if your experience was less than fly.

Have specific feedback about your JetBlue experience? Please use the form below. Due to unusually high volume, responses may take up to 10 days.

Need immediate assistance? Please [contact us](#).

Have a post-travel accessibility-related concern? Please call us at 1-800-JETBLUE (538-2583) and ask to speak with a CRO. We are unable to address accessibility issues as quickly via email.

Your contact information

Full name

Lucas Wall

Email

██████████@yahoo.com



Topic
Something else

Comments
I received an e-mail that my Oct. 25 flight from MCO to DCA was canceled. Confirmation number IECTTO. But I have not canceled it, and you have not provided me an alternate flight.

1500 character limit.

Confirmation code
IECTTO

Optional. Speeds assistance with past or recently booked travel.

☐ I'm traveling within 48 hours

Send email

Need help?

Search for answers



Get To Know Us

Policies

JetBlue In Action

Stay Connected



Join our email list



Download the JetBlue mobile app



Submit website feedback ›

Español

↗ Indicates link opens an external site and may not conform to the same accessibility policies as JetBlue.

[◀ Contact Us](#)

Share a concern

Have specific feedback?

JetBlue is dedicated to providing award-winning service, and we want to know if your experience was less than fly.

Have specific feedback about your JetBlue experience? Please use the form below. Due to unusually high volume, responses may take up to 10 days.

Need immediate assistance? Please [contact us](#).

Have a post-travel accessibility-related concern? Please call us at 1-800-JETBLUE (538-2583) and ask to speak with a CRO. We are unable to address accessibility issues as quickly via email.

Your contact information

Full name

Lucas Wall

Email

██████████@yahoo.com

I booked a ticket to fly Oct. 25 from MCO to DCA on Flight 2224. I submitted a mask exemption but my ticket was canceled by JetBlue. When I spoke to a supervisor on the phone tonight, she said corporate security canceled my ticket but she could not explain why. She declined to give me a phone number to reach corporate security and said to submit an inquiry here on the website.

Topic

Accessibility-related (Pre-travel)

Comments

I booked a ticket to fly Oct. 25 from MCO to DCA on Flight 2224. I submitted a mask exemption but my ticket was canceled by JetBlue. When I spoke to a supervisor on the phone tonight, she said corporate security canceled my ticket but she could not explain why. She declined to give me a phone number to reach corporate security and said to submit an inquiry here on

1500 character limit.

Confirmation code

IECTTO

Optional. Speeds assistance with past or recently booked travel.

☐ I'm traveling within 48 hours

Send email

Need help?

Search for answers



Get To Know Us

Policies

JetBlue In Action

Stay Connected



Join our email list



Download the JetBlue mobile app



Submit website feedback ›

Español

↗ Indicates link opens an external site and may not conform to the same accessibility policies as JetBlue.

Plaintiff's Exhibit 42

Airconsumer Acknowledgement

From: airconsumer@dot.gov (airconsumer@dot.gov)

To: [REDACTED]@yahoo.com

Date: Thursday, October 14, 2021

Thank you for contacting us concerning your air travel service issue. The U.S. Department of Transportation (DOT) seeks to ensure that airline passengers are treated fairly. Complaints and comments from consumers are helpful for determining whether airlines or ticket agents are complying with Federal aviation consumer protection and civil rights statutes and DOT regulations, and to track trends or spot areas of concern that warrant further action. Your complaint or inquiry will be assigned to an analyst for review and you will receive a more detailed acknowledgment.

The Department is receiving a high volume of complaints given the unprecedented impact of the 2019 Novel Coronavirus (COVID-19) public health emergency on air travel. As a result, the time to process complaints is taking longer than normal. We are working hard to provide the best support we can, but it may take several weeks to process your complaint. We apologize for the delay.

Thank you again for taking the time to contact us.

Office of Aviation Consumer Protection
U.S. Department of Transportation

PERSONAL INFO:

Passenger - Lucas Wall [REDACTED]@yahoo.com

CONTACT INFO:

[REDACTED]

[REDACTED]

COMPLAINT INFO:

Airline Code: B6

Flight Date: 10/25/2021

Flight Itinerary: MCO-DCA Flight 2224

Description of Problem/Inquiry/Comment:

JetBlue Airways has banned me, a disabled man, from flying because I am suing to stop its illegal mask discrimination. This is clearly unlawful retaliation because I am the lead plaintiff in a class-action lawsuit against JetBlue and six other airlines. Wall v. Southwest Airlines, Case No. 6:21-cv-1008 (M.D.Fla.). JetBlue appears to have placed me on its no-fly list because I am asserting my rights under the Air Carrier Access Act and Rehabilitation Act to be free from discrimination. A JetBlue supervisor said Wednesday night that my ticket to fly from Orlando, Florida, home to Washington, D.C., Oct. 25 was canceled by the carrier's "corporate security system." I filed a lawsuit June 14 against JetBlue and six other airlines for their illegal discriminatory mask policies that prohibit those who can't medically tolerate covering their face from flying. A dozen others have since joined the suit as plaintiffs. I booked a ticket Oct. 12 to fly MCO-DCA on Flight 2224 Oct. 25 and later requested a mask exemption from JetBlue. I was shocked to receive an e-mail Oct. 13 that my ticket was canceled. JetBlue's action banning me from flying because I sued over its unlawful mask policy constitutes illegal retaliation for asserting my rights under the ACAA and other federal civil-rights statutes. I can't wear a mask because I suffer from Generalized Anxiety Disorder. Obstructing my sources of oxygen causes a panic attack, hyperventilation, and breathing difficulties. No disabled person asserting his rights under federal law by submitting a mask exemption request should be placed on a no-fly list. JetBlue must be fined by DOT and should have its operating certificate suspended for its shameful behavior. DOT regulations prohibit an airline from taking "any adverse action against an individual (e.g., refusing to provide transportation) because the individual asserts, on his or her own behalf or through or on behalf of others, rights protected by ... the Air Carrier Access Act." 14 CFR § 382.11 (a)(4). "As a carrier, you must not refuse to provide transportation to a passenger with a disability on the basis of his or her disability, except as specifically permitted by this part." 14 CFR § 382.19(a). Audio of my Oct. 13 call with a JetBlue customer-service agent is available at <https://bit.ly/101321jetblue1>. She was unable to explain why my ticket had been canceled and had to transfer me to a supervisor. "The ticket was canceled by actually our corporate security system," the JetBlue supervisor told me. Listen to the audio at <https://bit.ly/101321jetblue2> or read the call transcript attached. "The only thing I see here it says cancel and refund back to original form of payment as per security, and there is a note from our security department – it does say do not rebook. So we're not able to rebook this reservation, that's all it says."

Plaintiff's Exhibit 43

AT2021110012 - (LUCAS WALL) MZ2300

 From: alex.taday@dot.gov (alex.taday@dot.gov)

To: lucas.wall@yahoo.com

Cc: alex.taday@dot.gov

Date: Friday, November 5, 2021, 01:39 PM EDT

 Mr. Wall:

Thank you for writing to us concerning your problem involving disability issues. We were sorry to hear of your dissatisfaction and will investigate your complaint.

We are sending the company a copy of your complaint and asking it to reply to you, with a copy to us. We will review the response and take further action, as appropriate. We will advise you of the disposition of your complaint when our investigation is concluded; however, you should be aware that due to the time necessary for the carrier to conduct its own review of your complaint and get back to you and us, coupled with our need to review your case and the hundreds of others that we receive each year, our response to you will likely take some time.

In addition to ensuring prompt corrective action when a complaint and carrier response indicate that the airline's policies and procedures are not in compliance with the Air Carrier Access Act (ACAA), the Department generally will pursue further enforcement action on the basis of a number of complaints from which it may infer a pattern or practice of discrimination. However, where one or a few complaints describe particularly egregious conduct on the part of a carrier and those complaints are supported by adequate evidence, we will pursue enforcement action as our resources permit. You should be aware that the Department is statutorily limited in the remedies it may pursue for violations of the ACAA. In this regard, the Department may not award monetary damages or pecuniary relief to the injured party. The Department is limited to issuing cease and desist orders proscribing unlawful conduct by carriers in the future and assessing civil penalties payable to the government. The Department may only take such action through a settlement or after a formal hearing before an administrative law judge. Particularly egregious records of repeated violations may warrant the revocation of a carrier's economic authority to operate. To obtain a personal monetary award of damages, a complainant would have to file a private legal action that may be based on private contract rights or on civil rights statutes that provide for a private right of action.

We have also entered your complaint in our computerized industry monitoring system, and the company will be charged with the complaint in our monthly complaint report. This report is made available to the aviation industry, the news media and the general public so that both consumers and air travel companies can compare the overall and disability-related complaint records of individual airlines. We also use this complaint data to track trends or spot areas of concern which we feel may warrant further action in the future. This system also serves as a basis for rulemaking, legislation and research.

A summary of the Department's ACAA rules and general travel tips for air travelers with disabilities are available at www.transportation.gov/individuals/aviation-consumer-protection/traveling-disability. Other useful consumer information for air travelers, including the above referenced complaint report and our pamphlet "Fly-Rights, a Consumer's Guide to Air Travel", can be found on our website at <http://www.transportation.gov/airconsumer>.

I hope this information is useful. Thank you for taking the time to contact us.

Alexander A. Taday III
 Director of Civil Rights Advocacy
 Aviation Consumer Protection Division
 US Department of Transportation

Case Number: AT2021110012**Consumer Information**

Inquirer Type	Name	Address	E-mail Address	Office Phone	Home Phone
AA	LUCAS WALL	435 10TH ST NE WASHINGTON DC 20002	LUCAS.WALL@YAHOO.COM	2023511735	2023511735

Complaints Information

Complaint Code	Carrier Name	Flight Date	Flight Itinerary
MZ2300	JETBLUE AIRWAYS	10/25/2021	MCO-DCA FLIGHT 2224

Description of Problem/Inquiry

JetBlue Airways has banned me, a disabled man, from flying because I am suing to stop its illegal mask discrimination. This is clearly unlawful retaliation because I am the lead plaintiff in a class-action lawsuit against JetBlue and six other airlines. *Wall v. Southwest Airlines*, Case No. 6:21-cv-1008 (M.D.Fla.). JetBlue appears to have placed me on its no-fly list because I am asserting my rights under the Air Carrier Access Act and Rehabilitation Act to be free from discrimination. A JetBlue supervisor said Wednesday night that my ticket to fly from Orlando, Florida, home to Washington, D.C., Oct. 25 was canceled by the carrier's "corporate security system." I filed a lawsuit June 14 against JetBlue and six other airlines for their illegal discriminatory mask policies that prohibit those who can't medically tolerate covering their face from flying. A dozen others have since joined the suit as plaintiffs. I booked a ticket Oct. 12 to fly MCO-DCA on Flight 2224 Oct. 25 and later requested a mask exemption from JetBlue. I was shocked to receive an e-mail Oct. 13 that my ticket was canceled. JetBlue's action banning me from flying because I sued over its unlawful mask policy constitutes illegal retaliation for asserting my rights under the ACAA and other federal civil-rights statutes. I can't wear a mask because I suffer from Generalized Anxiety Disorder. Obstructing my sources of oxygen causes a panic attack, hyperventilation, and breathing difficulties. No disabled person asserting his rights under federal law by submitting a mask exemption request should be placed on a no-fly list. JetBlue must be fined by DOT and should have its operating certificate suspended for its shameful behavior. DOT regulations prohibit an airline from taking "any adverse action against an individual (e.g., refusing to provide transportation) because the individual asserts, on his or her own behalf or through or on behalf of others, rights protected by ... the Air Carrier Access Act." 14 CFR § 382.11 (a)(4). "As a carrier, you must not refuse to provide transportation to a passenger with a disability on the basis of his or her disability, except as specifically permitted by this part." 14 CFR § 382.19(a). Audio of my Oct. 13 call with a JetBlue customer-service agent is available at <https://bit.ly/101321jetblue1>. She was unable to explain why my ticket had been canceled and had to transfer me to a supervisor. "The ticket was canceled by actually our corporate security system," the JetBlue supervisor told me. Listen to the audio at <https://bit.ly/101321jetblue2> or read the call transcript attached. "The only thing I see here it says cancel and refund back to original form of payment as per security, and there is a note from our security department – it does say do not rebook. So we're not able to rebook this reservation, that's all it says."



AT2021110012_1_ES.pdf
1.4MB



Here's your itinerary.

Thank you for booking your travel with us! A copy of this itinerary confirmation has been sent to

[REDACTED]
[REDACTED]@yahoo.com

Below, you'll find all the information you need to know about your travel itinerary. Although you can always access your trip details by visiting **Manage Travel**, we recommend printing a copy for your reference now.

Have a great trip!

CUSTOMER INFORMATION

Confirmation: **BCPVGX**

**MANAGE
TRIP**

Lucas Wall

**Tue Oct 12,
2021**



Save time at check-in!

Check in starts 24 hours before your flight! Download the FREE Allegiant Mobile App here, to get a digital boarding pass!

FLIGHT INFORMATION

 **Departing: Fri, Oct 29, 5:54 PM**

Baltimore/Washington International Thurgood Marshall Airport (BWI) > Sarasota Bradenton International Airport (SRQ)

Leonardo McDonnell Special Services

Other service information

Lucas Wall

Special Services

Other service information

RECEIPT & PAYMENT

Flight	\$45.76
Airline Fees	\$36.00 
Government Fees	\$32.24 

TOTAL DUE (USD)

\$114.00

Paid by Lucas Wall with MastercardYou will see these charges in
ending in ****7555. your statement:

Charge 1: \$114.00

CONDITIONS

THINGS TO KNOW BEFORE YOU GO	▼
SEAT ASSIGNMENTS	▼
BAGS, AIRPORT BAG FEES, AND MORE	▼
IMPORTANT NOTICES	▼



Great deals in
Sarasota!

ADD A
HOTEL



Get around in style with a great deal from
an Allegiant partner such as Alamo.

ADD A
CAR

Plaintiff's Exhibit 45



Log in Trip Total: \$114.00

BWI to SRO
Who Will Be Traveling?

Do you have an Allways Rewards™ profile? Log in

Please enter all names exactly as they appear on the traveler's government-issued photo id

Traveler 1: Adult Clear Form

* Required

First Name *	Middle Name	Last Name *	Suffix
Lucas	Middle Name	Wall	Suffix
Gender *	Date Of Birth *		
<input checked="" type="radio"/> Male <input type="radio"/> Female			
Phone Number	Email Address		
US (+1) 202-351-1735			

Known Traveler # / Redress # ADD

Special Assistance CANCEL

Allegiant is happy to assist passengers with disabilities. An Allegiant representative must be notified at the airport to receive disability accommodations. Please visit our FAQs page for more information.

- ☐ Wheelchair Assistance
- ☐ Deaf/Hard of Hearing (Assistance is required)
- ☐ Traveling with personal wheelchair/scooter
- ☐ Blind/Low Vision (Assistance is required)
- ☐ Traveling with Portable Oxygen Concentrator (POC)
- ☐ Intellectual or Developmental Disability
- ☐ Service Animal (i.e. trained guide dog)

Other Services Information

Mask exemption

Please note that, for safety reasons, all passengers must be able to sit upright unassisted during taxi, take off and landing, or provide an FAA approved Orthotic Positioning device which enables upright positioning without attachment to the seat. For more information, visit our FAQs

Traveler 2: Adult

Clear Form

First Name *

Leonardo

Middle Name

Middle Name

Last Name *

McDonnell

Suffix

Suffix

Gender *

Male

Female

Date Of Birth *

Phone Number

US (+1)

Email Address

Known Traveler # / Redress #

ADD

Special Assistance

CANCEL

Allegiant is happy to assist passengers with disabilities. An Allegiant representative must be notified at the airport to receive disability accommodations. Please visit our [FAQs](#) page for more information.

☐ Wheelchair Assistance

☐ Travelling with personal wheelchair/scooter

☐ Travelling with Portable Oxygen Concentrator (POC)

☐ Service Animal (i.e. trained guide dog)

☐ Deaf/Hard of Hearing (Assistance is required)

☐ Blind/Low Vision (Assistance is required)

☐ Intellectual or Developmental Disability

Other Services Information

Mask exemption

Please note that, for safety reasons, all passengers must be able to sit upright unassisted during taxi, take off and landing, or provide an FAA approved Orthotic Positioning device which enables upright positioning without attachment to the seat. For more information, [visit our FAQs](#).

! Flight alerts will be sent via SMS text messages for delay and cancellation information on select U.S. and Canadian wireless carriers only. Standard text messaging rates may apply. By providing optional mobile or email contact information, passenger(s) agree to receive service related notifications and promotional emails, from which they may immediately unsubscribe.

https://www.allegiantair.com/booking/6165...

2

10/12/2021, 1:02 AM

Plaintiff's Exhibit 46

Restricted Articles

Military Discount

Face Covering Policy

[Expand All](#) | [Collapse All](#)

Face Covering Policy

Am I required to wear a face covering?

- * 1 Yes, **federal law** requires every person to wear a face covering that covers the nose and mouth at all times while traveling. Face coverings must be made of a solid material, fully cover the mouth and nose, fit snugly against the face, and be secured under the chin. Prohibited coverings include those with exhalation valves, holes (such as lace or mesh), neck gaiters, and bandanas. Face shields may be worn in addition to a face covering, but not as an alternative.

Learn more about the CDC's face covering recommendations [here](#).

Are Allegiant employees required to wear face coverings?

- * 1 Yes, **federal law** requires every person to wear a face covering at all times. However, the law states face coverings can be briefly removed when communicating with a person who is deaf or hard of hearing or when the ability to see the mouth is essential for communication.

Can I remove my face covering to eat, drink, or take oral medication?

Yes, you may briefly remove your face covering to eat, drink, or take oral medication, but prolonged removal is not permitted. Face coverings must be worn between bites and sips.

Can I wear a bandana?

No, face coverings must be secured under the chin.

Can I wear a face mask with a valve?

No, face coverings with exhalation valves are prohibited.

Can I wear a face shield instead of a face mask?

No, face shields may be worn in addition to a face covering, but not as an alternative.

Can I wear a neck gaiter?

No, neck gaiters are prohibited.

Do children have to wear a face covering?

Children under the age of 2 are not required to wear a face covering.

Do I have to wear a face covering at the airport?

- * 1 Yes, federal law requires every person to wear a face covering at all times in airports and on commercial aircraft.

Does Allegiant provide face coverings?

- * 2 Yes, you can use your own face covering, but we also provide complimentary

health and safety kits upon request that contain a single-use face mask and two sanitizing wipes. Please be advised that federal regulations require face masks to enter the airport.

* 1

What if I choose not to wear a face covering?

- * 1 Refusal to wear a face covering is a violation of federal law and can result in denial of boarding, removal from the aircraft and additional penalties.

What should I do if I have a disability that prevents me from removing a face covering without assistance?

Those with limited mobility who are unable to remove a face covering without assistance are exempt from the requirement. To request face mask exemptions, please email our Disabilities Team at ACAA@allegiantair.com at

- * 3 least 10 days prior to the departure of the first flight on your itinerary. Please note, if your exemption is approved, a negative COVID test will be required
- * 4 within 3 days of each flight segment. Details for submission of negative tests will be provided upon exemption approval.

What should I do if I have a medical condition that prevents me from wearing a face covering?

To request face mask exemptions, please email our Disabilities Team at ACAA@allegiantair.com at least 10 days prior to the departure of the first flight on your itinerary. Please note, if your exemption is approved, a negative

- * 3 COVID test will be required within 3 days of each flight segment. Details for submission of negative tests will be provided upon exemption approval.

Lucas Wall & Leo McDonnell
Mask Exemption Demand to Allegiant Air
Notes on Allegiant's Numerous Illegal Policies
BWI-SRQ Oct. 29, 2021

1. You falsely represent that "federal law requires every person to wear a face covering" and that "federal regulations require face masks to enter the airport." But Congress has never enacted any such law, nor has the Department of Transportation, Transportation Security Administration, Federal Aviation Administration, nor any other federal agency promulgated such a regulation into the Code of Federal Regulations. This is a fraudulent misrepresentation of the law. If you believe I am in error, please cite the statute number in the U.S. Code you refer to and/or the Code of Federal Regulations number.

You also haven't told your passengers of the dozens of health risks of covering our sources of oxygen or that the scientific consensus is that masks are totally worthless in reducing COVID-19 spread. See 223 scientific studies, medical articles, and videos at <https://bit.ly/masksarebad>. Failing to disclose this information pursuant to the Food, Drug, & Cosmetic Act and your other legal obligations is also a fraudulent misrepresentation.

2. Forcing Passengers to Wear Masks in Violation of the Food, Drug, & Cosmetic Act that Are Experimental Medical Devices Proven to Harm Human Health: You are violating the FDCA by not giving passengers our legal option to refuse administration of a Food & Drug Administration unauthorized or Emergency Use Authorization medical device (a face mask). 21 USC § 360bbb-3(e)(1)(A)(ii)(III).

You provide FDA unauthorized or EUA face masks to passengers without disclosing that: 1) the masks (if authorized at all) are only designated for emergency use; 2) that there are "significant known and potential benefits and risks of such use" (or "the extent to which such benefits and risks are unknown"); or 3) flyers have the "option to accept or refuse administration of the product." 21 USC § 360bbb-3. This constitutes reckless endangerment and fraudulent misrepresentation:

Practicing Medicine without a License: You are prescribing all passengers to wear FDA unauthorized or EUA medical devices, but you do not have a license to practice medicine. Practicing medicine without a license is illegal in every state.

3. An airline is not allowed to require passengers seeking mask exemptions to do so in advance. "May a carrier require a passenger with a disability to provide advance notice that he or she is traveling on a flight? As a carrier, you must not require a passenger with a disability to provide advance notice of the fact that he or she is traveling on a flight." 14 CFR § 382.25.
4. An airline may not require disabled passengers who need a mask exemption to submit a negative COVID-19 test for each flight when nondisabled customers aren't subject to this same requirement. No provision of the Air Carrier Access Act or its accompanying regulations promulgated by DOT (nor any other law enacted by Congress) permits airlines to require passengers submit a negative test for any communicable disease.

Mandating disabled flyers submit an expensive COVID-19 test before checking in but not requiring the same of nondisabled travelers is illegal discrimination. "You must not discriminate against any qualified individual with a disability, by reason of such disability, in the provision of air transportation..." 14 CFR § 382.11(a)(1). See also 49 USC § 41705.

5. An airline may not refuse transportation solely on the basis of a passenger's disability. "As a carrier, you must not refuse to provide transportation to a passenger with a disability on the basis of his or her disability, except as specifically permitted by this part." 14 CFR § 382.19(a).
6. Recipients of federal funds including airlines are prohibited from discriminating against the disabled. "No otherwise qualified individual with a disability in the United States ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..." 29 USC § 794(a).
7. Requiring Passengers Not Known to Have a Communicable Disease to Wear a Face Covering: Federal law bans airlines from requiring passengers who do not have a communicable disease to don a face mask. The ACAA, 49 USC § 41705, and its accompanying regulations, 14 CFR Part 382, spell out specific procedures for dealing with airline passengers who are known to have a communicable disease. Your mask policy violates these regulations by assuming that every passenger has a communicable disease such as COVID-19.

Airlines are prohibited from requiring that a passenger wear a face covering or refuse him/her transportation unless they determine that the passenger "has" a communicable disease and poses a "direct threat" to other passengers and the flight crew. 14 CFR § 382.23(c)(1). Your rules illegally assume every single traveler is infected with COVID-19. This violates the regulation that "In determining whether an individual poses a direct threat, you must make an individualized assessment." 14 CFR § 382.19(c)(1).

Your mask policy doesn't provide for making an "individualized assessment" of whether someone is known to have COVID-19 or another communicable disease. According to DOT, "If a person who seeks passage *has* an infection or disease that would be transmittable during the normal course of a flight, and that has been deemed so by a federal public health authority knowledgeable about the disease or infection, then the carrier may: ... Impose on the person a condition or requirement not imposed on other passengers (e.g., wearing a mask)." This is the only scenario airlines are permitted to force any passenger to don a face covering.

8. "You must not take any adverse action against an individual (e.g., refusing to provide transportation) because the individual asserts, on his or her own behalf or through or on behalf of others, rights protected by this part or the Air Carrier Access Act." 14 CFR § 382.11(a)(4).
9. Refusing Transportation to Disabled Passengers Who Are Healthy & Don't Pose a Direct Threat to Anyone: Airlines may not refuse to transport a disabled person who can't wear a face mask when there's no evidence that person is positive for COVID-19 or any other communicable disease."[Y]ou must not refuse transportation to the passenger if you can protect the health and safety of others by means short of a refusal." 14 CFR § 382.19(c)(2).
10. Breach of Contract: I did not agree to wear a face mask when I bought my ticket. Any mask provisions in your Contract of Carriage are invalid as they violate federal law and international treaties.
11. Deceptive & Misleading Trade Practices: You are deceiving your customers regarding mask rules, efficacy, and harms, and attempt to mislead us into believing face coverings are good for our health when the reality is they cause dozens of harm and create havoc in the sky due to oxygen deprivation. "Intent is not an element of either unfairness or deception," according to DOT. 85 Fed. Reg. 78,707 (Dec. 7, 2020). However, it's clear you have an intent to deceive passengers that face masks are effective in reducing COVID-19 spread, are authorized by FDA, etc.

You clearly mislead customers that masks may be forced on passengers without their consent in violation of the FDCA. DOT defines an unfair trade practice by airlines as “demonstrating that the harm to consumers is (1) substantial; (2) not reasonably avoidable; and (3) not outweighed by offsetting benefits to consumers or competition.” DOT defines a practice as “deceptive” by showing that: “(1) The practice actually misleads or is likely to mislead consumers; (2) who are acting reasonably under the circumstances; (3) with respect to a material matter.” 14 CFR § 399.79. Airlines have a statutory duty not to deceive and mislead their customers. 49 USC § 41712.

12. Nuisance: You deprive passengers who can’t or won’t wear masks of our statutory right to use the public airspace. “A citizen of the United States has a public right of transit through the navigable air-space. To further that right, the Secretary of Transportation shall consult with the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) before prescribing a regulation or issuing an order or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for handicapped individuals.” 49 USC § 40103(a)(2). A public nuisance is when a person or corporation unreasonably interferes with a right that the general public shares in common.
13. Infringement on the Constitutional Right to Travel: You deprive disabled Americans and those who refuse to wear masks for health reasons of the ability to fly. In many cases, such as traveling from noncontinental states and territories to other states and territories, as well as going overseas, commercial airplanes are the only means of transportation. The Constitution protects against Americans’ infringement on our freedom of movement by government actors and common carriers.
14. You require passengers to wear masks without giving our free consent, deprive us of our freedom to travel for not wanting to obstruct our breathing, curtail the liberty of movement, prevent us from entering or exiting our country of citizenship, and unlawfully interfere with our privacy. The United States has ratified the International Covenant on Civil & Political Rights, which makes it binding treaty law upon all persons and corporations in our country.
 “[N]o one shall be subjected without his free consent to medical or scientific experimentation.” ICCPR Art. 7. “No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” ICCPR Art. 9. “1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement ... 2. Everyone shall be free to leave any country, including his own. 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law... 4. No one shall be arbitrarily deprived of the right to enter his own country.” ICCPR Art. 12. “1. No one shall be subjected to arbitrary or unlawful interference with his privacy ... 2. Everyone has the right to the protection of the law against such interference or attacks.” ICCPR Art. 17.

Plaintiff's Exhibit 47

Mask-Exemption Demand BGPVGX

From: Lucas Wall (lucas.wall@yahoo.com)

To: ACAA@allegiantair.com

Cc: leo [REDACTED]

Date: Saturday, October 16, 2021, 12:47 PM EDT

Dear Allegiant Air:

We demanded mask exemptions when we booked our tickets Oct. 12, but you have not responded.

We both have medical conditions that make it impossible for us to safely wear a face mask. Please see attached documents.

*Lucas Wall & Leonardo McDonnell



Lucas & Leo Allegiant Docs.pdf
2.7MB

Plaintiff's Exhibit 48

Re: Mask-Exemption Demand BGPVGX

From: Lucas Wall (lucas.wall@yahoo.com)

To: acaa@allegiantair.com

Cc: leo [REDACTED]

Date: Friday, October 22, 2021, 11:41 PM EDT

We wrote you six days ago regarding our mask exemptions and have not received a response.

*Lucas Wall & Leonardo McDonnell

>>>>>>>>>>.

On Saturday, October 16, 2021, 12:47:16 PM EDT, Lucas Wall <lucas.wall@yahoo.com> wrote:

Dear Allegiant Air:

We demanded mask exemptions when we booked our tickets Oct. 12, but you have not responded.

We both have medical conditions that make it impossible for us to safely wear a face mask. Please see attached documents.

*Lucas Wall & Leonardo McDonnell

Plaintiff's Exhibit 49

Re: Mask-Exemption Demand BGPVGX

From: Lucas Wall (lucas.wall@yahoo.com)

To: acaa@allegiantair.com

Cc: leo_ [REDACTED]

Date: Monday, October 25, 2021, 12:04 AM EDT

We wrote you nine days ago regarding our mask exemptions and have not received a response.

*Lucas Wall & Leonardo McDonnell

>>>>>>>>>>.

On Friday, October 22, 2021, 11:41:03 PM EDT, Lucas Wall <lucas.wall@yahoo.com> wrote:

We wrote you six days ago regarding our mask exemptions and have not received a response.

*Lucas Wall & Leonardo McDonnell

>>>>>>>>>>.

On Saturday, October 16, 2021, 12:47:16 PM EDT, Lucas Wall <lucas.wall@yahoo.com> wrote:

Dear Allegiant Air:

We demanded mask exemptions when we booked our tickets Oct. 12, but you have not responded.

We both have medical conditions that make it impossible for us to safely wear a face mask. Please see attached documents.

*Lucas Wall & Leonardo McDonnell

Plaintiff's Exhibit 50

Wall v. Southwest Airlines, et al.

From: Brian T. Maye (bmaye@amm-law.com)

To: lucas.wall@yahoo.com; lea [REDACTED]

Date: Monday, October 25, 2021, 11:48 AM EDT

Mr. Wall and Mr. McDonnell,

As you know, we represent Allegiant Air in the above-referenced lawsuit, which is pending in the U.S. District Court for the Middle District of Florida. We understand that you recently purchased tickets for an Allegiant Air flight scheduled to depart from Baltimore/Washington International Thurgood Marshall Airport (BWI) on October 29, 2021. We also understand that you appear to have requested an exemption from the mask mandate related to such scheduled flight. To the extent you have requested an exemption, such request is denied because you have not complied with Allegiant's policy, nor do you meet the exemption requirements.

If you have any questions, please let me know.

Brian

Brian T. Maye

ADLER MURPHY & McQUILLEN LLP

20 S. Clark Street, Suite 2500

Chicago, Illinois 60603

Main: (312) 345-0700

Direct: (312) 422-5713

Mobile: (312) 286-5117

Facsimile: (312) 345-9860

www.amm-law.com

The information contained in this electronic mail message is confidential information intended only for the use of the individual or entity named above, and may be protected by the attorney client and/or attorney work product privileges. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver to the intended recipient, you are

Plaintiff's Exhibit 51

Re: Wall v. Southwest Airlines -- Allegiant Air Mask-Exemption Demands
Wall & McDonnell

From: Lucas Wall (lucas.wall@yahoo.com)

To: bmaye@amm-law.com

Cc: [REDACTED]

Date: Monday, October 25, 2021, 08:36 PM EDT

Dear Mr. Maye:

This correspondence replies to your e-mail from this morning concerning the mask exemptions Leo and I requested from Allegiant Air for our upcoming trip.

>>> We understand that you recently purchased tickets for an Allegiant Air flight scheduled to depart from Baltimore/Washington International Thurgood Marshall Airport (BWI) on October 29, 2021. We also understand that you appear to have requested an exemption from the mask mandate related to such scheduled flight. To the extent you have requested an exemption, such request is denied because you have not complied with Allegiant's policy, nor do you meet the exemption requirements. <<<

1. Allegiant failed for 13 days to respond to our mask-exemption demands.
2. You have failed to address the 14 points we raised concerning Allegiant's illegal mask policy.
3. Please provide the name and state license number of the doctor at Allegiant Air who evaluated and denied our mask-exemption demands.
4. Please explain how our medical conditions do not meet the exemption requirements.

[REDACTED]

Please see attached documentation.

*Lucas Wall



Lucas & Leo Allegiant Mask.pdf
2.8MB

HOMEMAILNEWSFINANCESPORTSENTERTAINMENTLIFESHOPPINGYAHOO PLUSMORE...

Find messages, documents, photos or people

Home

Back

Archive

Move

Delete

Spam

Allegiant

Visit site

AllegiantAir.com - Itinerary #BGPVGX

Yahoo/Inbox

Allegiant

Allegiant <no-reply@t.allegiant.com> Unsubscribe

Tue, Oct 26 at 1:41 PM

To: LUCAS WALL

Your booking has been canceled.

Here is your receipt.

REAL ID

Will your current ID fly? The Department of Homeland Security will require Real ID for all airline travel beginning May 3, 2023. Your current driver's license may not be enough to get you through airport security. Click [here](#) to find out how to get Real ID compliant identification today.

How to Allegiant

Boarding Passes

Starting 24 hours before departure, [check in online](#) to print your boarding pass(es) or go paperless by viewing your itinerary on the [Allegiant mobile app](#).

Choose Your Seats

Save money by purchasing your seat assignment in advance. If you don't purchase a seat assignment, it will be randomly assigned when you check in. [Click here](#) to add seats.

Checking Bags?

It's easy - [click here](#) to add bags to your itinerary. Checking a bag at the airport costs more than adding to your itinerary now. Checked bags must weigh under 40 lbs. (18 kg). Overweight bag fees apply.

Carry-On Bag

Your carry-on bag should be purchased and added to your itinerary prior to departure. Bag fees are higher at the airport. [Click here](#) for details.

Customer Name

Book Date

LUCAS WALL

10/11/2021

Your canceled confirmation number is: **BGPVGX**

Flight Details

[change/cancel](#)

Departing Flight Information

Date	Flight #
Fri, Oct 29, 2021	2584

Departure Airport

Departs

Baltimore/Washington International Thurgood Marshall Airport (BWI)

[Map](#)

Arrival Airport

Arrives

Sarasota Bradenton International Airport (SRQ)

[Map](#)

Passenger Name: LUCAS WALL

Seat Assignment	Priority Access	Under-Seat Personal Item	Checked Bags
Not Assigned	Not Assigned	Free	0

Overhead Carry-On Bags

0

Passenger Name: LEONARDO MCDONNELL

Seat Assignment	Priority Access	Under-Seat Personal Item	Checked Bags
Not Assigned	Not Assigned	Free	0

Overhead Carry-On Bags

0

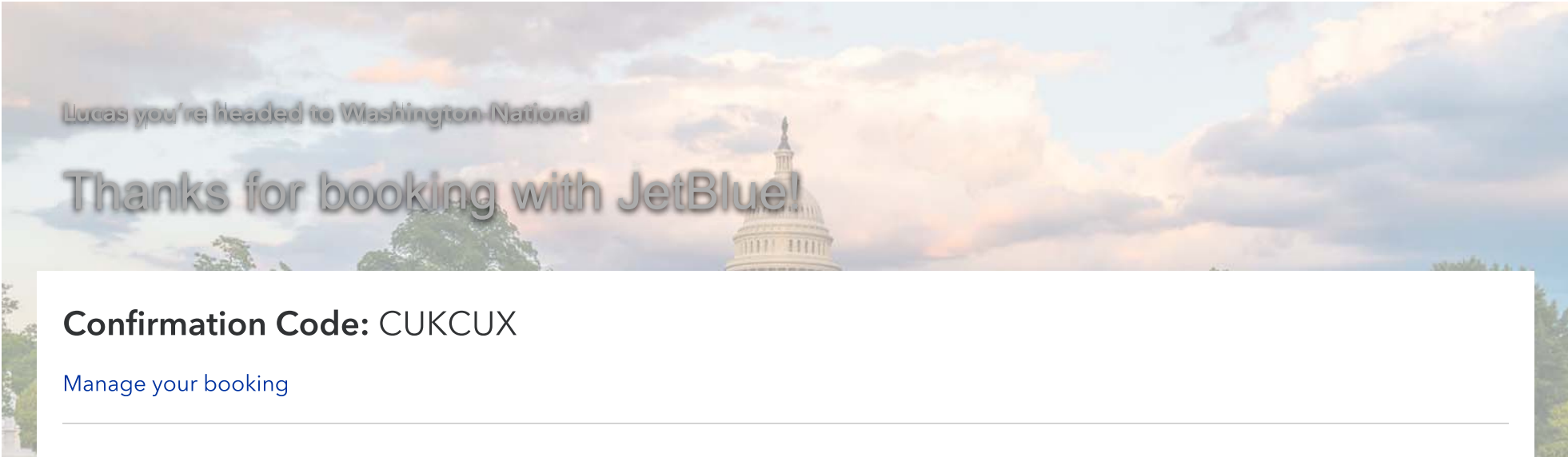
Receipt and Payment Details

Airfare	\$45.76 USD
USA Federal Excise Tax - Air	\$3.44 USD

1

10/29/2021, 2:03 AM

Plaintiff's Exhibit 53



Los Angeles → Washington-National

[Add to Calendar](#) | [Email](#) | [Print](#)

Departing: Nov 2 2021

LAX 7:00am Flight 288 • Fare: Blue	▶ BOS 3:27pm
BOS 5:00pm Flight 2055 • Fare: Blue	▶ DCA 6:46pm

Total: **\$247.35**
Charged to **Visa** ending in 8403

Traveler Details				
Lucas Wall	Adult	Select a seat	Ticket Number:2792175925703	Add bags
Lucas Wall	Adult	Select a seat	Ticket Number:2792175925703	Add bags

A confirmation email has been sent to lewnwdc77-avis@yahoo.com. If you didn't receive it, check your spam/junk folder. You can also view and manage your trip on jetblue.com or the JetBlue app with your confirmation code.

Plaintiff's Exhibit 54



◀ Contact Us

Share a concern

Have specific feedback?

JetBlue is dedicated to providing award-winning service, and we want to know if your experience was less than fly.

Have specific feedback about your JetBlue experience? Please use the form below. Due to unusually high volume, responses may take up to 10 days.

Need immediate assistance? Please [contact us](#).

Have a post-travel accessibility-related concern? Please call us at 1-800-JETBLUE (538-2583) and ask to speak with a CRO. We are unable to address accessibility issues as quickly via email.

Your contact information

Full name	Lucas Wall
Email	lewnwdc77-airlines@yahoo.com





Topic

Accessibility-related (Pre-travel)

Comments

I am booked to fly Nov. 2 LAX-BOS-DCA and need a mask exemption due to my Generalized Anxiety Disorder. I am not able to wear a mask and qualify for an exemption.

1500 character limit.

Confirmation code

CUKCUX

Optional. Speeds assistance with past or recently booked travel.

☐ I'm traveling within 48 hours

Send email

Need help?

Search for answers



Get To Know Us

Policies

JetBlue In Action

Stay Connected


 Join our email list

 Download the JetBlue mobile app



Submit website feedback 

 Español

 Indicates link opens an external site and may not conform to the same accessibility policies as JetBlue.

Plaintiff's Exhibit 55

Your itinerary has been cancelled.

From: JetBlue Reservations (jetblueairways@email.jetblue.com)
To: lewnwdc77-avis@yahoo.com
Date: Monday, October 18, 2021, 08:29 AM EDT

Thanks again for choosing JetBlue.



**Plans change.
Our gratitude doesn't.**

Thanks again for booking with JetBlue. We look forward to welcoming you on board when you're ready.

Please note: This is not your boarding pass.

Your confirmation code is

CUKCUX

Flights

LAX

Los Angeles, CA
Terminal: 5



BOS

Boston, MA

Date	Tue, Nov 02
Departs	7:00am
Arrives	3:27pm
Flight	288



BOS

Boston, MA
Terminal: C

DCA

Washington, DC

Date	Tue, Nov 02
Departs	5:00pm
Arrives	6:46pm
Flight	2055



Traveler Details

LUCAS WALL

Frequent Flier: N/A

LAX - BOS:

Bags: Please check the manage trip section on jetblue.com for bag info.

Seat: N/A

BOS - DCA:

Bags: Please check the manage trip section on jetblue.com for bag info.

Seat: N/A

[Flight Tracker](#) | [Bag Info](#) | [Airport Info](#)

Stay Connected

 **Download the JetBlue mobile app**



[Help](#)

[Business Travel](#)

[Privacy](#)

[About JetBlue](#)



Plan Travel



Travel Information

AAAdvantage

Plaintiff's Exhibit 56

Your trip is booked

We'll email your confirmation shortly. Thanks for choosing American Airlines.

Your trip to Phoenix, AZ

Your trip to Phoenix, AZ

Record Locator: **AFGCWJ**

Trip name: **MCO/PHX**

\$ 534.40

DEPART

MCO to PHX

Fri, Nov 12, 2021

12:48 PM → 8:16 PM

\$ 534.40

View trip details, request upgrades, change seats and more.

Manage your trip

Passengers

Lucas Wall

Ticket number: 0012310315212

Status: **Ticketed**

Michael Seklecki

Ticket number: 0012310315213

Status: **Ticketed**

American Airlines
AAAdvantage

Don't leave miles behind

Earn miles from this flight and redeem them for flights, hotels, cars and more.

[Join AAAdvantage for free](#)



Travel with benefits

Get your first checked bag free on domestic itineraries with this credit card offer.

[Card offer details](https://creditcards.aa.com/citi-platinum-card-american-airlines-bp/?utm_medium=referral&utm_source=aa&utm_campaign=bpfinish) (https://creditcards.aa.com/citi-platinum-card-american-airlines-bp/?utm_medium=referral&utm_source=aa&utm_campaign=bpfinish)



Contact American

How can we help you?

Send us your comment, question or suggestion, or make a request. We'll be in touch as soon as we can.

(• Required)

Topic •

Disability assistan

Subject •

Request disability

Contact information

Title •

Select your title

First name •

Lucas

Last name •

Wall

Suffix

Select your suffix

Country / region •

United States

Address •

435 10TH ST NE

Address 2

City •

WASHINGTON

State •

District of Columb

Postal code •

20002

AAdvantage® number

Primary phone •

+1

20235117:

Secondary phone

Select

Number

Primary email •

Confirm primary email •

Type of assistance needed

Assistance type •

(Select all that apply.)

☐ Connection assistance for customers with cognitive disability

☐ Portable oxygen concentrators (POCs)

☐ Wheelchair

☐ Medical devices

☐ Other special assistance needs

Describe other special assistance needs •

Mask exemption

Characters remaining: 1486

Flight information

Is assistance needed related to your flight?

☒ Yes ☐ No

Confirmation / Record
locator •

AFGCWJ

Flight number •

2260

Flight date •

11/12/2021

From •

MCO

To •

PHX

Your message

Comments

I need a mask exemption for my flight due to my anxiety disorder. I cannot safely wear a mask.

Characters remaining: 1406

Cancel

Submit

Mask-Exemption Demand for Lucas Wall

From: Lucas Wall (lucas.wall@yahoo.com)

To: sac@aa.com

Date: Wednesday, November 10, 2021, 12:49 PM EST

Dear American Airlines:

I have submitted a mask-exemption demand for my Nov. 12 flight from MCO to PHX via AUS. See attachment. Also attached are my notes on American's numerous illegal mask policies.

Please be advised I am the lead plaintiff in a class-action lawsuit suing seven airlines for discriminating against the disabled by requiring masks be worn even though we suffer from medical conditions and can't safely wear a mask. Wall v. Southwest Airlines, No. 6:21-cv-1008 (M.D. Fla.) Your exemption procedures violate the Air Carrier Access Act and numerous other laws, regulations, and treaties.

Please send me a letter granting my mask exemption. If you do not, I ask you have your lawyer contact me as soon as possible. If my mask-exemption demand is denied, I plan to soon add American as a defendant in the lawsuit.

*Lucas Wall
202-351-1735



AA Mask Notes Lucas.pdf
886.6kB



Lucas MER1.pdf
204.4kB

Travel updates



Health and testing requirements

The U.S. and countries around the world have a range of travel restrictions and testing requirements due to COVID-19. You may not be allowed to travel to certain destinations or may be required to self-quarantine when you arrive.




Travel requirements are updated often, so we recommend checking the latest entry requirements before your trip.

[Travel and health restrictions by destination](#) 

When you check-in for your trip you'll be asked to confirm you've been free of COVID-19 symptoms for the past 10 days.

U.S. entry requirements

Starting November 8, 2021, the U.S. government is changing requirements to enter the U.S. based on citizenship / residence and vaccination status. All travelers 2 and older entering the U.S. must provide a negative COVID-19 test and their contact information within 72 hours of departure. Travelers must also sign an attestation form confirming they meet U.S. entry requirements or will not be allowed to board the plane.

-  [How U.S. travel requirements apply to you](#)
-  [Vaccine and testing requirements](#)
-  [Attestation forms](#)

⌵ Contact tracing

Face coverings

* 1

U.S. federal law requires that you wear a face covering at all times while indoors at the airport and on board your flight, regardless of vaccination status. If you refuse to wear one, you may be denied boarding and future travel on American. You may also face penalties under federal law. * 1

These rules do not apply to children under 2, or if you have a disability that prevents you from wearing a face covering and meet the exemption requirements.

Visit the Centers for Disease Control and Prevention (CDC) website for more information about the mask requirement.

[Requirement for face masks on planes and in airports](#)

You should bring your own face covering to use while traveling. While limited quantities of face coverings may be available at the gate, they will not be available for every customer on every flight.

⌴ Acceptable face coverings

- A mask or 2 layered secured cloth that completely covers your nose and mouth and fits snugly to the sides of your face and under your chin
- Face shields worn with a face covering, but not in place of one

These are not acceptable as face coverings

- Balaclavas
- Bandanas
- Face covers with exhaust valves or vents
- Face covers made of mesh or lace type fabric
- Gaiters
- Scarves
- Ski masks

[CDC recommendations for face coverings](#)

⌴ During your flight

- Your face covering must be worn and visible at all times, including if you plan to sleep.
- You can briefly lower or remove your face covering while actively eating, drinking or taking oral medication, but it must be worn between bites and sips.
- If oxygen masks drop from an overhead compartment, remove your face covering before placing the oxygen mask over your nose and mouth.

These may not be used on board

For the safety of everyone on board, some types of recreational / personal protection equipment are not allowed for use on our planes or in flight:

- Face or full-body pods / tents
- Portable electronic air fresheners / purifiers
- Ozone generators

[Restricted items »](#)

[Mobility and medical devices »](#)

Exemption for customers with disabilities*

If you may be exempt because you have a disability that prevents you from safely wearing a mask as defined by the Americans with Disabilities Act (42 USC 12101 et. seq) **you must contact us at least 72 hours before you plan to travel** * 2 and **travel with documentation confirming a negative COVID test or recovery.** * 3

Please note, making false claims of a disability or a health condition to obtain an exemption from wearing a face covering may result in denial of travel on American for the duration of the U.S. federal mask requirement.

Call Special Assistance: 800-237-7976

*This is a narrow exception that includes a person with a disability who cannot wear a mask for reasons related to the disability. It is not meant to cover persons for whom mask-wearing may only be difficult.

Travel flexibility

We're making travel easier by giving you even more flexibility and the freedom to make your own choices when you fly with us.

Here's what you can expect:

- No more change fees for all domestic, short-haul international and select long-haul international flying on Premium Cabin, Premium Economy and Main Cabin fares. Basic Economy fares bought on or after April 1, 2021 are non-refundable and non-changeable.
- Fly standby for free on earlier domestic flights, including Puerto Rico and the U.S. Virgin Islands, to the same destination on the same day.
- If you buy Basic Economy fares you may now buy extras like upgrades, seats, priority boarding and same-day flight changes.
- AAdvantage® elite members may apply their travel benefits on all tickets, including on Basic Economy fares.

Domestic, short-haul international and select long-haul international flights

Lucas Wall

Mask Exemption Request to American Airlines

Notes on American's Numerous Illegal Policies

MCO-AUS Nov. 12, 2021

1. You falsely represent that "federal law" requires airline passengers wear face masks. But Congress has never enacted such a law. This is a fraudulent misrepresentation of the law. If you disagree with me, please provide the citation for the U.S. Code as to which statute requires airline passengers don face masks. Or if you believe there is duly promulgated regulation requiring such, please cite the Code of Federal regulations section.
2. An airline is not allowed to require passengers seeking mask exemptions to do so in advance. "As a carrier, you must not require a passenger with a disability to provide advance notice of the fact that he or she is traveling on a flight." 14 CFR § 382.25.
3. An airline may not require disabled passengers who seek a mask exemption to submit a negative COVID-19 test for each flight when nondisabled customers aren't subject to this same requirement. No provision of the Air Carrier Access Act or its accompanying regulations promulgated by DOT (nor any other law enacted by Congress) permits airlines to require passengers submit a negative test for any communicable disease.

Mandating disabled flyers submit an expensive COVID-19 test before checking in but not requiring the same of nondisabled travelers is illegal discrimination. "You must not discriminate against any qualified individual with a disability, by reason of such disability, in the provision of air transportation..." 14 CFR § 382.11(a)(1). *See also* 49 USC § 41705.
4. An airline may not require a medical certificate from disabled passengers who ask for a mask exemption. "Except as provided in this section, you must not require a passenger with a disability to have a medical certificate as a condition for being provided transportation." 14 CFR § 382.23(a). "You may ... require a medical certificate for a passenger if he or she **has** a communicable disease or condition that could pose a direct threat to the health or safety of others on the flight." 14 CFR § 382.23(c)(1) (emphasis added). This requirement does not include speculation that a person might have a communicable disease such as COVID-19; evidence is required that the passenger **has** a communicable disease, i.e. has tested positive for the coronavirus.

Requiring a medical certificate also violates the Convention on International Civil Aviation. You may not require passengers with disabilities needing a mask exemption to submit a medical clearance (letter from doctor). The United States has ratified CICA, which makes it binding treaty law upon all persons and corporations in our country. "[P]ersons with disabilities should be permitted to travel without the requirement for a medical clearance." CICA Annex 9 § 8.39.
5. An airline may not refuse transportation solely on the basis of a passenger's disability such as inability to wear a mask. "As a carrier, you must not refuse to provide transportation to a passenger with a disability on the basis of his or her disability, except as specifically permitted by this part." 14 CFR § 382.19(a).
6. Recipients of federal funds including airlines are prohibited from discriminating against the disabled. "No otherwise qualified individual with a disability in the United States ... shall, solely by reason of her

or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..." 29 USC § 794(a).

7. Requiring Passengers Not Known to Have a Communicable Disease to Wear a Face Covering: Federal law bans airlines from requiring passengers who do not have a communicable disease to don a face mask. The ACAA, 49 USC § 41705, and its accompanying regulations, 14 CFR Part 382, spell out specific procedures for dealing with airline passengers who are known to have a communicable disease. Your mask policy violates these regulations by assuming that every passenger has a communicable disease such as COVID-19.

Airlines are prohibited from requiring that a passenger wear a face covering or refuse him/her transportation unless they determine that the passenger "has" a communicable disease and poses a "direct threat" to other passengers and the flight crew. 14 CFR § 382.23(c)(1). Your rules illegally assume every single traveler is infected with COVID-19. This violates the regulation that "In determining whether an individual poses a direct threat, you must make an individualized assessment." 14 CFR § 382.19(c)(1).

Your mask policy doesn't provide for making an "individualized assessment" of whether someone is known to have COVID-19 or another communicable disease. According to DOT, "If a person who seeks passage *has* an infection or disease that would be transmittable during the normal course of a flight, and that has been deemed so by a federal public health authority knowledgeable about the disease or infection, then the carrier may: ... Impose on the person a condition or requirement not imposed on other passengers (e.g., wearing a mask)." This is the only scenario airlines are permitted to force any passenger to don a face covering.

8. "You must not take any adverse action against an individual (e.g., refusing to provide transportation) because the individual asserts, on his or her own behalf or through or on behalf of others, rights protected by this part or the Air Carrier Access Act." 14 CFR § 382.11(a)(4).
9. You are prohibited by federal regulations from forcing a disabled passenger to disclose his/her medical conditions. "May I ask an individual what his or her disability is? Only to determine if a passenger is entitled to a particular seating accommodation pursuant to section 382.38. Generally, you may not make inquiries about an individual's disability or the nature or severity of the disability," according to DOT. Your mask policy constitutes invasion of privacy, which is illegal.
10. Refusing Transportation to Disabled Passengers Who Are Healthy & Don't Pose a Direct Threat to Anyone: Airlines may not refuse to transport a disabled person who can't wear a face mask when there's no evidence that person is positive for COVID-19 or any other communicable disease."[Y]ou must not refuse transportation to the passenger if you can protect the health and safety of others by means short of a refusal." 14 CFR § 382.19(c)(2).
11. Breach of Contract: I did not agree to wear a face mask when I bought my ticket. Any mask provisions in your Contract of Carriage are invalid as they violate federal law and international treaties.
12. Forcing Passengers to Wear Masks in Violation of the Food, Drug, & Cosmetic Act that Are Experimental Medical Devices Proven to Harm Human Health: You are violating the FDCA by not giving passengers our legal option to refuse administration of a Food & Drug Administration unauthorized or Emergency Use Authorization medical device (a face mask). 21 USC § 360bbb-3(e)(1)(A)(ii)(III). You may not provide illegal and/or EUA masks to your passengers without informing them use of the device is optional and they must give informed consent. This constitutes reckless endangerment.

13. Practicing Medicine without a License: You are prescribing all passengers to wear FDA unauthorized or EUA medical devices, but you do not have a license to practice medicine. Practicing medicine without a license is illegal in every state.

14. Deceptive & Misleading Trade Practices: You are deceiving your customers regarding mask rules, efficacy, and harms, and attempt to mislead us into believing face coverings are good for our health when the reality is they cause dozens of harm and create havoc in the sky due to oxygen deprivation. "Intent is not an element of either unfairness or deception," according to DOT. 85 Fed. Reg. 78,707 (Dec. 7, 2020). However, it's clear you have an intent to deceive passengers that face masks are effective in reducing COVID-19 spread, are authorized by FDA, etc.

You clearly mislead customers that masks may be forced on passengers without their consent in violation of the FDCA. DOT defines an unfair trade practice by airlines as "demonstrating that the harm to consumers is (1) substantial; (2) not reasonably avoidable; and (3) not outweighed by offsetting benefits to consumers or competition." DOT defines a practice as "deceptive" by showing that: "(1) The practice actually misleads or is likely to mislead consumers; (2) who are acting reasonably under the circumstances; (3) with respect to a material matter." 14 CFR § 399.79. Airlines have a statutory duty not to deceive and mislead their customers. 49 USC § 41712.

15. Fraudulent Misrepresentation: You provide FDA unauthorized or EUA face masks without disclosing that: 1) the masks (if authorized at all) are only designated for emergency use; 2) that there are "significant known and potential benefits and risks of such use" (or "the extent to which such benefits and risks are unknown"); or 3) flyers have the "option to accept or refuse administration of the product." 21 USC § 360bbb-3.

You also haven't told your passengers of the dozens of health risks of covering our sources of oxygen or that the scientific consensus is that masks are totally worthless in reducing COVID-19 spread. See 223 scientific studies, medical articles, and videos at <https://bit.ly/masksarebad>. Failing to disclose this information pursuant to the FDCA and your other legal obligations is a fraudulent misrepresentation.

16. Nuisance: You deprive passengers who can't or won't wear masks of our statutory right to use the public airspace. "A citizen of the United States has a public right of transit through the navigable airspace. To further that right, the Secretary of Transportation shall consult with the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) before prescribing a regulation or issuing an order or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for handicapped individuals." 49 USC § 40103(a)(2). A public nuisance is when a person or corporation unreasonably interferes with a right that the general public shares in common.

17. Infringement on the Constitutional Right to Travel: You deprive disabled Americans and those who refuse to wear masks for health reasons of the ability to fly. In many cases, such as traveling from noncontinental states and territories to other states and territories, as well as going overseas, commercial airplanes are the only means of transportation. The Constitution protects against Americans' infringement on our freedom of movement by government actors and common carriers.

18. You require passengers to wear masks without giving our free consent, deprive us of our freedom to travel for not wanting to obstruct our breathing, curtail the liberty of movement, prevent us from entering or exiting our country of citizenship, and unlawfully interfere with our privacy. The United

States has ratified the International Covenant on Civil & Political Rights, which makes it binding treaty law upon all persons and corporations in our country.

“[N]o one shall be subjected without his free consent to medical or scientific experimentation.” ICCPR Art. 7. “No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” ICCPR Art. 9. “1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement ... 2. Everyone shall be free to leave any country, including his own. 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law... 4. No one shall be arbitrarily deprived of the right to enter his own country.” ICCPR Art. 12. “1. No one shall be subjected to arbitrary or unlawful interference with his privacy ... 2. Everyone has the right to the protection of the law against such interference or attacks.” ICCPR Art. 17.

Plaintiff's Exhibit 58

Lucas Wall
Notes on Phone Call from American Airlines
Nov. 10, 2021

12:56 p.m. received call from American Airlines Disability Desk at 800-433-7300. Agent says she can't process my mask-exemption demand because it has to be submitted at least 72 hours in advance. I informed her that under the Air Carrier Access Act, it's illegal to for an airline to order a disabled flyer make an accommodation request in advance. She said that's American's policy and there's nothing she can do about it.

I asked for a denial in writing and she said American will send that.

Plaintiff's Exhibit 59

FW: American Airlines

From: SAC (sac@aa.com)

To: LucasWall

Hello,

Thank you for choosing American Airlines.

The documentation submitted doesn't meet one or more of our qualifications and won't be approved at this time. As a reminder, this exception is very narrowly defined and is limited to a person with a qualified disability who cannot wear a mask for reasons related to the disability. These letters may also be reviewed by a third party medical advisor.

If you have any questions, please contact the American Airlines Special Assistance Coordinator Desk at 1-800-237-7976. Our office hours are daily from 7:30 a.m. to 8:30 p.m. CST.

Thank you,

Lori M.

American Airlines Special Assistance Coordinator





PLAN TRAVEL INFORMATION ADVANTAGE®



Your trip



Your trip was canceled

Record locator: **AFGCWJ**

Status: **Canceled**

[Coronavirus travel updates and rebooking your trip](#) 

[Seats terms and conditions](#) 