James Hochberg
Hawaii Bar No. 3686
JAMES HOCHBERG AAL, LLLC
700 Bishop Street, Suite 2100
Honolulu, HI 96813
Telephone: (808) 256-7382
jim@jameshochberglaw.com

John C. Sullivan*
Texas Bar No. 24083920
S|L LAW PLLC
610 Uptown Boulevard, Suite 2000
Cedar Hill, TX 75104
Telephone: (469) 523-1351
Facsimile: (469) 613-0891
john.sullivan@the-sl-lawfirm.com

Counsel for Plaintiffs
* *Pro hac vice* motion forthcoming

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RIKI O'HAILPIN, NINA ARIZUMI, ROBERT ESPINOSA, ERWIN YOUNG, PUANANI BADIANG, SABRINA FRANKS, and RONALD LUM on their own behalf and on behalf of all others similarly situated, *Plaintiffs,* v. HAWAIIAN AIRLINES, INC., and HAWAIIAN HOLDINGS, INC. *Defendant.*	Civil No.: _____ DECLARATION OF RIKI O'HAILPIN;

I, Riki U'ilani LaBoy O'Hailpin, declare as follows:

1. I am 45 years old and live in Ewa Beach, Hawai'i.

2. I am an employee of Hawaiian Airlines ("Hawaiian") and work as a Flight Attendant where my job duties include performing safety checks before flights take off, offering food and beverages to passengers, and demonstrating emergency procedures such as putting on oxygen masks. On most flights I am the "purser" or lead Flight Attendant.

3. I am based out of the Daniel K. Inouye International Airport in Honolulu and have been with the company for almost 24 years.

4. I have flown for Hawaiian throughout the entire COVID-19 pandemic, believing the company's promises that it was safe to do so. Hawaiian told us from the beginning that the air filtration systems on the planes were state of the art; we were allowed to wear gloves along with using our masks. As the airline explained repeatedly to the public, it is extremely safe to fly on one of our planes given things such as HEPA filtration devices that clean the air and the electrostatic fogging of the planes that we were doing at one point (but have since stopped). There is virtually no chance of catching COVID-19 on a Hawaiian flight.

5. During the pandemic, I worked without incident while following all of Hawaiian's safety protocols. I have worn a mask, followed social distancing

guidelines, had temperature checks before signing in for a flight, and have followed quarantine policy during layovers.

6. On August 9, 2021, I learned that Hawaiian would require all employees to receive the COVID-19 vaccine. The original version of the policy, issued in September of 2021, indicated that employees should be vaccinated by November 1, 2021, or else enter a testing program developed by Hawaiian at that time. The testing program would run until January 30, 2022. However, subsequent changes in federal regulations and then litigation over those regulations caused Hawaiian to first move the end of the testing program up to December 8, 2021, and then back to January 4, 2022.

7. At all times, the testing program was only meant to be a temporary measure to let unvaccinated employees consider whether they would take the vaccine or be put out of work. It was an onerous process that the company never intended to use as a reasonable accommodation for anyone. Nevertheless, I complied with the mock testing program established by Hawaiian, even though I had to come to a specific location to pick up a test from the company, take that test with a video proctor, and turn in current test results even when on vacation or not scheduled to work during a week. If I was working at all in a month—even one day—Hawaiian would consider me out of compliance if I did not test every week in that month before and after the time in which I worked. There was even one week

in which the company moved the testing window without advance notice and caused some people to miss their time slots for turning in their test results.

8. The current version of the mandate states that all employees must be vaccinated by January 4, 2022, or face termination. Most employees also have the option to take a "12-Month Unpaid Leave of Absence" and then become "subject to termination" at the end of that leave.

9. I requested two separate, equally valid exemptions to this mandate.

10. On October 1, 2021, I submitted a request for reasonable accommodation based on my sincerely held religious beliefs.

11. While I was raised in a religious household and accepted Jesus Christ as my savior at the age of 6, I did not cultivate my personal relationship with God until my adult life. Through trials and struggles, He has become the one I turn to in prayer. When it comes to what enters my body, which is a temple of the Holy Spirit, I pray and seek counsel from God. I requested a religious accommodation because when I prayed about the COVID-19 vaccine, God directed me not to take it. I later researched and discovered that this vaccine was developed using an aborted fetal stem cell line. This only strengthened my conviction. In addition to seeking God privately, I also attend Inspire Church on the west side of Oahu and serve on the worship team there.

12. After submitting my request for a religious accommodation, I was not contacted by Hawaiian for any additional information or for any sort of interactive process.

13. I received an email on October 13, 2021, informing me that my request for a religious exemption had been denied. The letter stated that the denial was "because your generalized belief that your body is a temple does not explain why you are sincerely and religiously opposed to receiving the COVID-19 vaccine per se and relies to at least some extent on medical opinions at odds with the scientific consensus. This indicates that your belief is premised on the distinction you have made between vaccinations you consider medically necessary and those you do not. This is a personal preference and not a generally applicable religious opposition."

14. Hawaiian added further insult by informing me that I was simply expressing a personal preference "couched against the context of [my] religious beliefs" and therefore it was not a sincere religious objection. Hawaiian's discounting of the very foundations of my faith reveals a contempt for those beliefs. Taking the vaccine is something that cannot be undone and would be an unrecoverable violation of my faith in the Lord.

15. Not only was my denial letter upsetting to read, it was entirely false. I take all matters to God in prayer, the COVID-19 vaccination included. My decision to not take the vaccine is not a personal preference but rather me obeying the voice

of God. If Hawaiian had asked me anything about my religious beliefs, I could have easily explained to them the error in their assumptions.

16. It was also upsetting to later find out that religious requests almost identical to mine were acknowledged by Hawaiian to represent a sincere religious objection to the vaccine (even though those requests were also denied).

17. October 16, 2021, I made a second request for an accommodation based on my medical condition. I suffer from antiphospholipid syndrome, which is related to the autoimmune disease lupus. This condition creates extra proteins in my blood and makes me subject to thrombophilia or over-clotting. While I am able to perform the essential functions of a flight attendant without an accommodation, the antiphospholipid syndrome is a physical impairment that substantially limits my reproductive system. I have suffered four miscarriages from this disease.

18. While my husband and I hope for another child, my antiphospholipid syndrome is so severe that I have to take the injectable blood thinner Lovenox if I get pregnant to prevent my body from spontaneously aborting the fetus. That condition is why my doctors have indicated that it could be life threatening for me to take the vaccine. Thus each of them strongly recommended I be exempt from the vaccine and refused to administer it to me.

19. On November 2, 2021, I was shocked to receive a denial for my medical accommodation request. The email stated that "the information [I] provided is not

considered a contraindication to receiving a COVID-19 vaccine." However, both of my doctors' professional opinion was that the vaccine is life-threatening for me and that I must be exempt. I went to the CDC website where the denial letter referred me, only to learn the section on which Hawaiian is now evidently using to make medical decisions are referencing allergy contraindications—it does not purport to override either medical advice from a doctor or the Americans with Disabilities Act.

20. Despite being assured that the process of requesting accommodations—both religious and medical—would be "interactive," I was never given the opportunity to explain any confusion or discuss my requests in person. I was simply denied.

21. Hawaiian's actions in refusing to work toward reasonable accommodations with its employees are destroying the lives of both me and hundreds of my co-workers. If forced onto unpaid leave, we lose travel benefits, medical, dental, and prescription drug coverage, as well as profit sharing and company matched retirement contributions.

22. But it is more than money that the company is threatening to take away if we do not obey their dictate. I will also miss opportunities to bid on job openings (aircraft, routes, leadership positions, etc.) that come up while I am out, as well as vacations and schedules that I might want in the future.

23. I will also be losing the ’Ohana (family) I have come to know and love at my job. I love going to my job each day because those I work with truly are family to me. In fact, over the past month when I have told my ’Ohana at Hawaiian that I am being forced to take a leave and then be terminated, we have openly cried together during flights over what Hawaiian is doing. These were also the people I was looking forward to celebrating with next year at my 25th Anniversary celebration—even if Hawaiian pays me damages later for violating my civil rights, money cannot make up for any of these things.

24. The greatest harm, however, will come with Hawaiian stripping me of my medical insurance. After four miscarriages, it appears that IVF may be my last opportunity to get pregnant and it is not feasible to pay for that treatment out of pocket—it takes insurance. But this is the final year that my insurance will pay for IVF treatments. In fact, I need to make sure it is done before April of 2022 when I turn 46 years old. The accompanying blood thinning medication that I need to be on when pregnant is also covered by insurance and I need that to continue trying to bring life into the world. My husband and I desperately want to have a child, but if Hawaiian takes this opportunity away from me there is no amount of money damages that could ever make me whole.

25. If placed on unpaid leave, I will lose my travel benefits, medical, dental, and prescription drug coverage, as well as profit sharing and company matched retirement contributions.

26. I have worked for, and loved, Hawaiian Airlines for almost a quarter of a century and wish to continue there. Since the beginning of the COVID-19 pandemic, I have followed the mitigation measures put in place for my position and would continue to do so. I also had no problem following the mock testing program established by Hawaiian. I would be willing to continue testing as I have so far and would even be willing to take periodic antibody tests to ensure the safety of those around me.

27. Hawaiian has not offered to allow me to continue working under these same conditions. Instead, they have regarded my sincerely held religious beliefs as personal opinion, and paid no attention to the serious medical risk that comes with the COVID-19 vaccine for me. The company wants all of its employees to be vaccinated and does not care about genuine religious or medical reasons. Had Hawaiian engaged in an interactive process concerning my requests, the company would have discovered any number of reasonable accommodations for my situation.

28. Hawaiian's blanket denial of reasonable accommodations is even more disappointing in light of the overwhelming consensus that vaccines do not actually stop the transmission of COVID-19.

29. Hawaiian's coercion is especially evil because it forces me to decide every day if I am making the right choice between my belief that I should not take the vaccine and my belief that I should take care of my family through my job. Indeed, it is a crisis of conscience I must deal with continually and it is making me—like lots of my colleagues—think about just taking the vaccine and letting Hawaiian win so we do not lose our livelihood.

30. And if I do acquiesce to Hawaiian's dictate, I would have to go back on the Lovenox injections indefinitely to combat the deadly side effects that would be caused from my multiple blood clotting disorders. These shots bruise my stomach (where they must be injected) and are extremely painful as it stings when the medicine is being administered.

31. I submitted separate inquiries to the EEOC regarding Hawaiian's discriminatory and retaliatory actions on October and November 2021, for the religious and medical denials. My most recent interview with the EEOC was on November 25, 2021, and the two inquiries are currently being consolidated into a single charge for me to sign.

I declare under penalty of perjury that the forgoing is true and correct.

1/5/2022
Date

DocuSigned by:
Riki O'Hailpin
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Signature