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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 ROBERT ESPINOSA;

I, Robert Anthony Espinosa, declare as follows:

1. I am 59 years old and live in Kapolei, Hawai'i.

2. I am an employee of Hawaiian Airlines ("Hawaiian") and work as a First Officer on the A330 aircraft based out of Honolulu International Airport. I am also a member of the Airline Pilots Association's Master Executive Council for Hawaiian where I oversee Veterans Affairs. I have been with Hawaiian for 10 years and am a Navy veteran of 30 years.

3. I am also an Elder and Teaching Pastor at the Makakilo Bible Church just outside of Honolulu. I have been a member there for 20 years and have been on staff for the past 3 years.

4. At the beginning of the pandemic, I volunteered for a 2-month leave of absence at the company's request to assist Hawaiian with preserving jobs. Since coming back, I have worked without incident, following all of Hawaiian's safety protocols. As the airline has touted, 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).

5. In August of 2021, Hawaiian stated that it 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.

6. As explained by Hawaiian, 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 not meant by the company to be a reasonable accommodation. I have complied at all times with the mock testing program established by Hawaiian.

7. 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.

8. On September 29, 2021, I submitted a request for a reasonable accommodation based on my sincerely held religious beliefs. I explained that, as a follower of Christ and the Bible, I must take care of my body as a temple of the Holy Spirit. My request showed that any of the COVID-19 vaccines would violate this belief for three reasons: (1) it would be ungrateful to God who has blessed me with natural immunity and a healthy immune system generally (I have already recovered from COVID-19); (2) each of the vaccines uses or was tested on fetal stem cell lines

and this desecrates the sacredness of life; and (3) through prayer and discernment, God has shown me that not everyone has been truthful about the vaccines and that I should have nothing to do with them as a result. As a disciple of Christ and an ordained Pastor, I cannot do anything that violates the will of God or goes against His Word. It would therefore be a violation of my conscience (and God's direction for my life) to take the vaccine. Taking the vaccine is something that cannot be undone and would be an unrecoverable violation of my faith in the Lord.

9. In my pastoral role, I also regularly attest to the sincerely held religious beliefs of other Christians and have helped many secure reasonable accommodations at their workplaces in response to COVID-19 vaccination mandates.

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

11. I received an email on October 14, 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."

12. Even a cursory review of my religious request reveals that the denial letter was not based on the actual application I sent to Hawaiian. I did not talk about medical opinions but only sincere religious beliefs. I later found out that it was just a canned letter—it was unsurprising to me, then, that it did not address my objections and that it just created a strawman to knock down. I also later found out that religious requests with even less religious information provided were acknowledged by Hawaiian to represent a sincere religious objection to the vaccine (even though those requests were also denied).

13. As if the denial were not enough, Hawaiian added insult to injury by further informing me that "[w]hile your personal preference is couched against the context of your religious beliefs it itself is not a sincere religious objection in actual conflict with our vaccine requirement." Not only did Hawaiian fail to read my application, but the company's audacity in judging the religious nature of my beliefs reveals a contempt for those beliefs.

14. Receiving the accommodation request denial is a great disappointment and it is hard to think about all lives that Hawaiian is destroying through its unwillingness to work toward reasonable accommodations with its employees. I know of colleagues who have cancer or need ongoing medical treatments and will be unable to get them when Hawaiian takes away health coverage. The company is

stealing far more than money from the 'Ohana it claims to protect while simultaneously forcing out of a job.

15. Hawaiian's denial is even more disappointing considering the medical consensus about the vaccines' inability to stop the infection and transmission of COVID-19, as recent events have made clear. A Captain I flew with not long ago took the vaccine even though he did not want to because he thought it was the right thing to do to protect his spouse and those around him. He was practically in tears as he told me he has come to realize that the vaccine does not help with protecting others.

16. It is clear from the letter sent to those with denied accommodations who are to be placed on unpaid leave that the company does not want to fire us—they just do not value our religious beliefs and want to use our paychecks, our benefits, and our careers as a leverage point to force vaccinations. As the Vice-President of Flight Operations Robert Johnson made clear, he wants employees to continue to think about getting vaccinated while on forced unpaid leave. In other words, go to your room and think about what you've done so that you can do better in the future.

17. This sort of coercion is especially evil because it puts my religious beliefs at odds with themselves. I cannot accept the vaccine, but my religion also compels me to provide for my family—and so I can understand why Hawaiian's forced vaccination policy has caused many to acquiesce. This causes daily anguish

not just to my wife and kids, but also to my conscience as I must decide daily between my beliefs because of Hawaiian's unlawful actions. It is also creating a tremendous strain on my wife and children because they are afraid that I might take the vaccine in order to keep us from having to sell our home.

18. This has caused me much stress, frustration, sleepless nights, and fatigue while on the job and at home. Even worse is the precious loss of time spent agonizing over Hawaiian's callous actions in imposing their vaccine mandate in an unlawful manner—I can never get this time back. Sadly, Hawaiian has done irreparable harm to the reputations of many who chose for similar reasons not to be vaccinated, creating an 'us' versus 'them' airline and condemning the unvaccinated as a contributing reason for its hardship. I consider myself a professional and dedicated employee in very good standing and would like to continue flying for Hawaiian to age 65 and retire with honor and dignity, along with all benefits that were promised in our hiring and collective bargaining agreements.

19. I submitted an inquiry with the EEOC on December 21, 2021, regarding Hawaiian Airlines' discriminatory actions. That charge remains pending.

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

1/5/2022

Date

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Signature