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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 ERWIN YOUNG;

I, Erwin Hsien Young, declare as follows:

1. I am 31 years old and live in Honolulu, Hawai'i.

2. I am an employee of Hawaiian Airlines ("Hawaiian") and work in the maintenance department as a Lead Aircraft Technician. My job is to make sure aircraft are in shape to fly, working both inside and outside the airplane. I have been with Hawaiian since July of 2013 and have served as a lead mechanic since November of 2019.

3. I lead my team at the Daniel K. Inouye International Airport in Honolulu, Hawai'i.

4. Throughout the pandemic, I have been able to effectively work and lead my team while following the safety guidelines put in place without incident. I have always worn a mask around others and did not have any issues with testing once that requirement was implemented by the company.

5. In August of 2021, Hawaiian implemented a COVID-19 vaccine mandate. The original version of the mandate, issued in September of 2021, indicated that employees should be vaccinated by November 1, 2021 or enter a testing program developed by Hawaiian at that time. The testing program was originally set to 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. At all times, the testing program was only meant to be a temporary measure to provide unvaccinated employees time to consider whether they would take the vaccine or be put out of work.

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 30, 2021, I submitted a request for a reasonable accommodation based on my sincerely held religious beliefs. According to 1 Corinthians 6:19, I am to glorify God in my body, which is a temple of the Holy Spirit. I requested a religious exemption from the vaccine because I believe that I can care for my body, the temple, with the wisdom and convictions that God gives me. Although I was not initially aware of the COVID-19 vaccine originating from aborted stem cell lines, I had already taken the issue to God and was told not to inject myself with it. The result of my research only strengthened and supported my conviction.

9. I am not against all vaccines. I have received a flu shot in my adult life and may have received more vaccines as a child. I am, however, against the COVID-19 vaccine specifically for the religious reasons noted above. After much prayer, it became apparent that my religious beliefs would not allow me to take it. Taking the

vaccine is something that cannot be undone and would be an unrecoverable violation of my faith in the Lord.

10. On November 5, 2021, the company interviewed me to discuss my religious exemption request. I was asked if anything could be done to encourage me to take the vaccine, to which I answered no. In addition, I was asked if there was any specific ingredient that was keeping me from wanting the vaccine. Again I answered no. More than the ingredients in the COVID-19 vaccine, I am concerned about what God says.

11. Possible accommodations were only discussed briefly at the very end of the meeting when I brought it up. I was not provided with any answers and was told that no accommodations would be made.

12. On December 16, 2021, I received an email informing me that my request had been denied. I was told:

> Although you have a sincere religious belief, [Hawaiian] cannot reasonably accommodate you because it would cause an undue hardship that will result in significant disruption to our operation. Based on our assessment of your position and duties in this current environment, we cannot safely accommodate you because your role does not allow for maintaining baseline COVID-19 safety protocols, specifically maintaining physical distance and mandatory masking.

13. The letter went on to explain that the company has "also determined that we cannot accommodate you through testing [because] the complexity, expense, and administrative burden of managing the testing program is unsustainable. This

is particularly true because of the degree of non-compliance by a number of participants in the testing program . . ."

14. This notification was at odds with what had taken place during the pandemic, throughout which I have been able to adhere to Hawaiian's COVID-19 policies without incident. Moreover, I have been able to test as necessary without incident throughout the pandemic and participated in Hawaiian's mock testing program without issue. I am even willing to take antibody tests to ensure the safety of my coworkers and to pay for any testing out-of-pocket to continue working. If Hawaiian had engaged in an actual interactive process with me, they could have learned these things and would have been able to develop a reasonable accommodation.

15. 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. I will also miss opportunities to bid on schedules or vacation slots that are available for bidding while I am out.

16. Receiving the accommodation request denial has filled my life with an incredible amount of stress, depression, anxiety, and worry over money. Growing up, my family, having immigrated from China, struggled financially, but valued their freedom over money. They came to America to get away from things like having

medical issues determined for us by those in authority. Nevertheless, I will be disappointing my parents greatly if I am released from this job.

17. I have been with and loved Hawaiian Airlines for almost nine years and had plans to stay with the company for a long time. While I wish to continue working under the mitigation measures that Hawaiian said it was keeping in place to ensure everyone's safety throughout the pandemic, Hawaiian has not presented that option to me, even though something such as COVID-19 testing or antibody testing would ensure that I am *at least* as safe as any other employee working on property who was vaccinated at some earlier point in time—likely safer.

18. Hawaiian now claims that the "spirit of mālama" supposedly requires forced vaccinations "to provide a safe environment for our collective teammates and guests." This is entirely contrary to Hawaiian's pre-vaccine mandate announcements that other mitigation measures were keeping us and the flying public safe.

19. I submitted an inquiry with the EEOC on December 27, 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