

No. \_\_\_\_\_

***WALL v. CENTERS FOR DISEASE CONTROL & PREVENTION ET AL.***

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District Court Document 28

**ORDER DENYING EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING ORDER**

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LUCAS WALL**

**Plaintiff,**

**v.**

**Case No: 6:21-cv-975-PGB-DCI**

**CENTERS FOR DISEASE  
CONTROL & PREVENTION, et.  
al**

**Defendants.**

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**ORDER**

Plaintiff moves pro se for the Court to issue an *ex parte* temporary restraining order (“**TRO**”) enjoining Defendants Centers for Disease Control and Prevention, Department of Health and Human Services, Transportation Security Administration (“**TSA**”), Department of Homeland Security, Department of Transportation, and Joseph R. Biden, Jr., in his official capacity as President of the United States of America (hereinafter, the “**Federal Defendants**”), from enforcing the Federal Transportation Mask Mandate (“**FTMM**”). (Doc. 8 (the “**Motion**”). Upon consideration and review, Plaintiffs’ request will be denied.

**I. BACKGROUND**

The FTMM requires those using public conveyances to wear a mask to prevent the transmission of COVID-19. *See* CTR. FOR DISEASE CONTROL & PREVENTION, ORDER UNDER SECTION 361 OF THE PUBLIC HEALTH SERVICE ACT:

REQUIREMENT FOR PERSONS TO WEAR MASKS WHILE ON CONVEYANCES AND AT TRANSPORTATION HUBS (2021).<sup>1</sup> On June 2, 2021, Defendant TSA and Southwest Airlines denied Plaintiff access to his flight for his refusal to comply with the FTMM and wear a mask on the plane. (*Id.* at p. 3).

On June 7, 2021, Plaintiff filed a 206-page complaint containing 23 different counts. (Doc. 1). Among other things, Plaintiff seeks to permanently enjoin enforcement of the FTMM by the Federal Defendants.<sup>2</sup> (*Id.*). Plaintiff contends that enforcement of the FTMM is an “improper, illegal, and unconstitutional exercise[] of executive authority.” (*Id.* at p. 2).

Plaintiff now moves for a TRO enjoining “the Federal Defendants’ enforcement nationwide of the FTMM; or, in the alternative, their enforcement of the FTMM in this judicial district; or in the alternative, their enforcement of the FTMM specifically against me.” (Doc. 8, p. 5). Plaintiff states that he has scheduled multiple upcoming flights to visit “friends and family as well as visit several National Parks” and that his next flight is a June 16, 2021 trip to Salt Lake City, Utah. (*Id.* at p. 3, ¶¶ 2, 8–9). Plaintiff argues that he will suffer irreparable harm if the Motion is not granted because he will not be able to go to Utah. (*Id.* at p. 23).

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<sup>1</sup> See [https://www.cdc.gov/quarantine/pdf/Mask-Order-CDC\\_GMTF\\_01-29-21-p.pdf](https://www.cdc.gov/quarantine/pdf/Mask-Order-CDC_GMTF_01-29-21-p.pdf).

<sup>2</sup> Plaintiff also seeks to permanently enjoin enforcement of the International Traveler Testing Requirement (“ITTR”). (Doc. 1). The ITTR requires international travelers entering the U.S to test negative for COVID-19 no more than three days before departure and to display their negative results. The instant Motion does not request a TRO enjoining the Federal Defendants from enforcing the ITTR.

## II. STANDARD OF REVIEW

The Federal Rules of Civil Procedure provide that a district court may issue a temporary restraining order without notice to the adverse party or its attorney if:

(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

FED. R. CIV. P. 65(b)(1). *Ex parte* temporary restraining orders “should be restricted to serving their underlying purpose of preserving the status quo and preventing irreparable harm just so long as is necessary to hold a hearing, and no longer.” *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70*, 415 U.S. 423, 439 (1974).

To obtain a temporary restraining order, a party must prove “(1) [there is] a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that entry of the relief would serve the public interest.” *Schiavo ex. rel Schindler v. Schiavo*, 403 F.3d 1223, 1225–26 (11th Cir. 2005) (citation omitted). A temporary restraining order “is an extraordinary and drastic remedy not to be granted unless the movant clearly establishe[s] the ‘burden of persuasion’ as to each of the four prerequisites.” *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (quoting *McDonald’s Corp. v. Robertson*, 147 F.3d 1301, 1306 (11th Cir. 1998)).

### III. DISCUSSION

As argued, the Motion fails to demonstrate that Plaintiff will suffer irreparable injury if relief is not granted.

First, Plaintiff argues that he will suffer irreparable injury if the Court does not issue a TRO because he will be “denied the use of services that he has paid for.” (*Id.* at p. 23). However, Defendant TSA and Southwest Airlines gave Plaintiff clear notice that he will not be allowed to fly without a mask, and Plaintiff has made no attempt to avoid financial harm by requesting a refund for his pending flights. (*Id.* at p. 3, ¶ 6). In fact, it seems that many of Plaintiff’s upcoming flights are fully refundable. (*See* Doc. 1-5, pp. 16–18).<sup>3</sup>

Next, Plaintiff argues that he will suffer irreparable injury if the Motion is not granted because his constitutional right to travel will be violated. (Doc. 8, p. 23). But Plaintiff can still fly to Utah in compliance with the FTMM. Moreover, flying may be Plaintiff’s preferred mode of transportation, but it is by no means the *only* reasonable mode of transportation available to him.

In sum, the Court finds Plaintiff’s arguments unpersuasive. There is nothing stopping Plaintiff from traveling from state to state, and the fact that Plaintiff may choose not to go on vacation to visit friends and family and the National Parks does not rise to the level of an exigency that would justify the “extraordinary and drastic” remedy of an *ex parte* TRO. *See id.*

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<sup>3</sup> As displayed by the trip confirmations attached to his complaint, Plaintiff has purchased “Refundability” and “Trip Flex” for two of his upcoming flights. (*See id.*).

**IV. CONCLUSION**

Considering these deficiencies, it is **ORDERED** and **ADJUDGED** that Plaintiff's Emergency Motion for Temporary Restraining Order Against All Federal Defendants on Counts 1–12 & 14–15 of the Complaint (Doc. 8) is **DENIED**.

**DONE AND ORDERED** in Orlando, Florida on June 15, 2021.

  
PAUL G. BYRON  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties



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District Court Document 55

***EX PARTE* ORDER GRANTING FEDERAL  
DEFENDANTS' MOTION TO STRIKE &  
EXTEND BRIEFING DEADLINE**

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LUCAS WALL,**  
**Plaintiff,**

v.

**Case No: 6:21-cv-975-PGB-DCI**

**CENTERS FOR DISEASE CONTROL  
& PREVENTION, DEPARTMENT OF  
HEALTH & HUMAN SERVICES,  
TRANSPORTATION SECURITY  
ADMINISTRATION, DEPARTMENT  
OF HOMELAND SECURITY,  
DEPARTMENT OF  
TRANSPORTATION, JOSEPH BIDEN,  
GREATER ORLANDO AVIATION  
AUTHORITY and CENTRAL  
FLORIDA REGIONAL  
TRANSPORTATION AUTHORITY,**

**Defendants.**

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**ORDER**

This cause comes before the Court for consideration without oral argument on the following motions:

<b>MOTION:</b>	<b>Plaintiff's Motion for Preliminary Injunction on Counts 1-12, 14-15 of the Complaint (Doc. No. 33)</b>
<b>FILED:</b>	<b>June 17, 2021</b>
<b>MOTION:</b>	<b>Plaintiff's Motion for Preliminary Injunction on Counts 19-23 (Doc. No. 36)</b>
<b>FILED:</b>	<b>June 18, 2021</b>
<b>MOTION:</b>	<b>Federal Defendants' Motion to Strike Plaintiff's Motions for Preliminary Injunction (Doc. No. 48)</b>
<b>FILED:</b>	<b>June 21, 2021</b>

**THEREON it is ORDERED that Defendants' Motion to Strike (Doc. 48) is GRANTED in part and Plaintiff's Motions (Docs. 33, 36) are STRICKEN.**

Plaintiff, proceeding *pro se*, has filed a Complaint including 23 causes of action against Defendants related to the Centers for Disease Control and Prevention's (CDC) requirement that individuals wear masks due to COVID-19. Doc. 1. On June 11, 2021, Plaintiff filed a motion for leave to exceed the page limit set by the Local Rules for his then-forthcoming motion for a preliminary injunction. Doc. 9. Plaintiff stated that although his 25-page TRO motion covered only Counts 1-12 and 14-15 of the Complaint,<sup>1</sup> “[f]or this Court’s more in-depth consideration at the preliminary injunction phase, [he] would like the ability to expand [his] arguments into several more of the 21 counts charged against the Federal Defendants in the Complaint.” *Id.* at 2. Notably, he stated that “a local rule restricts a motion to 25 pages without leave of the Court.” *Id.* On June 11, 2021, the Court denied Plaintiff’s motion. Doc. 10.

Pending before the Court are Plaintiff’s Motion for Preliminary Injunction on Counts 1-12 and 14-15 of the Complaint and Plaintiff’s Motion for Preliminary Injunction on Counts 19-24 of the Complaint (the Motions). Docs. 33, 36. The Motions are each 25 pages in length, which prompted Defendants to file a Motion to Strike. Doc. 48. Defendants argue that the Motions are due to be stricken as a sanction for violating the Court’s Orders and the Local Rules, and Defendants request a briefing schedule if Plaintiff refiles his request for a preliminary injunction. *Id.*

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<sup>1</sup> Plaintiff electronically filed a motion for a temporary restraining order on June 10, 2021, seeking relief on Counts 1-12 and 14-15 of his Complaint. Doc. 8. On June 15, 2021, the Court denied the request finding that “the Motion fails to demonstrate that Plaintiff will suffer irreparable injury if relief is not granted.” Doc. 28 at 4.

“A trial court has the inherent power to impose sanctions for a party’s failure to comply with court orders or the Federal Rules of Civil Procedure.” *Harris Corp. v. Fed. Express Corp.*, 2010 WL 11474444, at \*1 (M.D. Fla. Mar. 3, 2010) (citing *Zocaras v. Castro*, 465 F.3d 479, 490 (11th Cir. 2006)). When faced with such a violation, “[t]he Court may, among other things, strike a non-compliant motion or other filing.” *Id.* (citing *Jones v. United Space Alliance, LLC*, 170 Fed. App’x 52, 57 (11th Cir. 2006) (district court did not abuse its discretion in striking a motion that violated local rules)).

The Motions are due to be stricken as a sanction for violating the Court’s June 11, 2021 Order and the Local Rules of this Court. Doc. 10. The Court agrees with the Defendants that Plaintiff explicitly requested and was denied leave to file a 50-page motion for preliminary injunction and the filing of two separate 25-page motions clearly disregards and is an attempt to end-run the Court’s Order and the Local Rule 3.01(a). Also, while the length of each of the Motions arguably does not violate the Local Rules, the combination of the Motions exceeds the permissive page limit and is, in fact, a violation of the Local Rules. To hold otherwise would be to permit a 25-page motion on each legal ground a party might raise in support of a request for relief—something not contemplated or permitted by Local Rule 3.01(a). As reflected in the motion to exceed the page limit, Plaintiff is aware of the Local Rule on this issue. *See* Doc. 9. However, because Plaintiff is a *pro se* party, the Court will exercise its discretion not to further sanction Plaintiff or to revoke the CM/ECF filing privileges granted by the Court’s prior Order, in which Plaintiff was also warned that any violation of the Local Rules would result in revocation of those filing privileges.

As such, it is **ORDERED** that the Defendants’ Motion (Doc. 48) is **GRANTED in part** to the extent that Plaintiff’s Motions (Docs. 33, 36) are hereby **STRICKEN**. Plaintiff may refile

his request for a preliminary injunction in a single motion of no more than 25 pages that complies with the Local Rules and the Court's Orders. If Plaintiff does so, Defendants are directed to file a response within **THIRTY DAYS** of the filing of the motion for preliminary injunction. The remainder of Defendants' Motion (Doc. 48) is **DENIED without prejudice**.

**ORDERED** in Orlando, Florida on June 22, 2021.



DANIEL C. IRICK  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties

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District Court Document 67

ORDER DENYING EMERGENCY  
MOTION TO VACATE

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LUCAS WALL,**

**Plaintiff,**

**v.**

**Case No: 6:21-cv-975-PGB-DCI**

**CENTERS FOR DISEASE  
CONTROL & PREVENTION,  
DEPARTMENT OF HEALTH &  
HUMAN SERVICES,  
TRANSPORTATION SECURITY  
ADMINISTRATION,  
DEPARTMENT OF HOMELAND  
SECURITY, DEPARTMENT OF  
TRANSPORTATION, JOSEPH  
BIDEN, GREATER ORLANDO  
AVIATION AUTHORITY and  
CENTRAL FLORIDA REGIONAL  
TRANSPORTATION  
AUTHORITY,**

**Defendants.**

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**ORDER**

This cause comes before the Court on Plaintiff's Emergency Motion to Vacate Magistrate Judge Irick's Order. (Doc. 56 ("**Motion to Vacate**")). Upon consideration, the Motion to Vacate is denied.

**I. BACKGROUND**

On June 7, 2021, Plaintiff filed a 206-page Complaint, containing 23 different causes of action, against Defendants Centers for Disease Control and Prevention ("**CDC**"), Department of Health and Human Services, Transportation

Security Administration, Department of Homeland Security, Department of Transportation, Joseph Biden (referred to collectively as the “**Federal Defendants**”), Greater Orlando Aviation Authority, and Central Florida Regional Transportation Authority. (Doc. 1). Plaintiff challenges the CDC’s Federal Transportation Mask Mandate (“**FTMM**”), which requires those using public conveyances to wear a mask to prevent the transmission of COVID-19.<sup>1</sup> Plaintiff also challenges the CDC’s International Traveler Testing Requirement (“**ITTR**”), which requires international air travelers to provide proof of a negative COVID-19 test before arriving in the United States.<sup>2</sup>

On June 8, 2021, Plaintiff filed an Emergency Motion for Leave to File Electronically. (Doc. 2). Plaintiff stated that an emergency existed because Defendants denied him access to a Southwest Airlines flight for failure to comply with the FTMM, leaving him “stranded” in Florida. (*Id.*). In his Order denying Plaintiff electronic filing privileges, Magistrate Judge Irick warned Plaintiff that “The unwarranted designation of a motion as an emergency can result in a sanction” under Local Rule 3.01(e). (Doc. 3). Plaintiff refiled his Motion for Leave to File Electronically (Doc. 5), and Magistrate Judge Irick granted it, stating

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<sup>1</sup> See CDC, Order Under Section 361 of the Public Health Service Act, *Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs* (Jan. 29, 2021), [https://www.cdc.gov/quarantine/pdf/Mask-Order-CDC\\_GMTF\\_01-29-21-p.pdf](https://www.cdc.gov/quarantine/pdf/Mask-Order-CDC_GMTF_01-29-21-p.pdf).

<sup>2</sup> See CDC, Order Under Section 361 of the Public Health Service Act, *Requirement for Negative Pre-Departure COVID-19 Test Result or Documentation of Recovery from COVID-19 for all Airline or Other Aircraft Passengers Arriving into the United States from any Foreign Country* (Jan. 25, 2021), <https://www.cdc.gov/quarantine/pdf/Global-Airline-Testing-Order-RPWSigned-Encrypted-p.pdf>.



“Plaintiff is granted permission to receive notice and file electronically via CM/ECF, subject to Plaintiff’s strict compliance with the rules and orders of this Court; any failure by Plaintiff to comply with those rules and orders may result in immediate revocation of this permission” (Doc. 14).

On June 10, 2021, Plaintiff filed an Emergency Motion for Temporary Restraining Order (“**TRO**”) against the Federal Defendants. (Doc. 8). Plaintiff asserted, “I have ticketed plans to travel by air again in six days and will be directly and imminently harmed if the FTMM is not temporarily restrained (because the Federal Defendants will again deny me the ability to travel by air).” (*Id.* at p. 1). The Court denied Plaintiff’s request for a TRO, stating that Plaintiff failed to demonstrate that he will suffer irreparable injury. (Doc. 28).

On June 11, 2021, Plaintiff filed a Time-Sensitive Motion to File Excess Pages and Reply Brief. (Doc. 9 (“**Motion to Exceed Page Limit**”)). Plaintiff argued, “This motion is time sensitive because I plan to file my Motion for Preliminary Injunction by Friday, June 18.” (*Id.* at p. 1). He also argued, “With 21 causes of action to submit argument on, that simply can’t be done in 25 pages. Given the national significance of this case, I have good cause to exceed the standard page limit.” (*Id.* at p. 2). The Court denied Plaintiff’s request to file a 50-page motion for preliminary injunctive relief and a 20-page reply. (Doc. 10 (“**Page Limit Order**”)).

Thereafter, Plaintiff filed two 25-page Motions for Preliminary Injunction. (Docs. 33, 36 (the “**PI Motions**”)). The PI Motions address distinct causes of

action: one requests injunctive relief against the FTMM, Counts 1–12 and 14–15 of the Complaint; the other requests injunctive relief against the ITTR, Counts 19–24 of the Complaint. In response, Defendants filed a Motion to Strike the PI Motions for violating the Court’s Order denying Plaintiff leave to file a 50-page brief. (Doc. 48). Magistrate Judge Irick struck the PI Motions and gave Plaintiff the opportunity to refile one 25-page brief. (Doc. 55 (the “**Order**”)).

The same day, Plaintiff filed the instant Motion to Vacate Magistrate Judge Irick’s Order. (Doc. 56). Plaintiff states, “The nature of the emergency is that I have a flight from Orlando [] to Frankfurt [] July 1 to visit my brother and his wife, which necessitates the Court ruling on my Motions for Preliminary Injunction no later than July 30.” (*Id.* at p. 1).

## II. STANDARD OF REVIEW

Rule 72(a) authorizes a district court reviewing a litigant’s objection to a magistrate judge’s non-dispositive order to “modify or set aside any part of the order that is clearly erroneous or is contrary to law.” FED. R. CIV. P. 72(a); *see also Howard v. Hartford Life & Acc. Ins. Co.*, 769 F. Supp. 2d 1366, 1372 (M.D. Fla. 2011). “A finding is clearly erroneous when although there is evidence to support is, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” *Tempay, Inc. v. Biltres Staffing of Tampa Bay, LLC*, 929 F. Supp. 2d 1255, 1260 (M.D. Fla. 2013) (quoting *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948)). “An order is contrary to law

when it fails to apply or misapplies relevant statutes, case law or rules of procedure. *Id.* (quoting *S.E.C. v. Kramer*, 778 F. Supp. 2d 1320, 1326–27 (M.D. Fla. 2011)).

### III. DISCUSSION

Plaintiff contends that Magistrate Judge Irick’s Order “is clearly erroneous and contrary to law as it was issued *ex parte*.” (*Id.* at p. 2). This argument is completely speculative—there is no reason to believe that Magistrate Judge Irick did not review Plaintiff’s response to the Motion to Strike. Although Magistrate Judge Irick issued his Order shortly after Plaintiff filed his response, this fact does not necessarily mean that he did not consider Plaintiff’s response. Similarly, the fact that Magistrate Judge Irick did not comment on all of the arguments that Plaintiff raised in his response is not evidence that he issued the Order *ex parte*. The Court is not required to specifically address every contention raised.

In his response to the Motion to Strike, Plaintiff argues that the PI Motions comply with the page limit requirements because they request injunctive relief against two different CDC orders—the FTMM and the ITTR—and because they pertain to different Counts of the Complaint. (Doc. 54, p. 4). Plaintiff further argues that his Motion to Exceed the Page Limit only applied to the FTMM, Counts I–12 and 14–15 of the Complaint. (*Id.*). Plaintiff concludes that “[t]here is nothing in the Federal Rules of Civil Procedure or the Local Rules requiring a plaintiff to file only one Motion for PI when he is requesting two separate preliminary injunctions.” (*Id.* at p. 5).

The Court finds this argument disingenuous and agrees with Magistrate Judge Irick that Plaintiff's filing of two separate motions for preliminary injunctive relief totaling 25 pages each was an attempt to circumvent the Local Rules and the Court's Page Limit Order. As stated by Magistrate Judge Irick, "while the length of each of the [PI] Motions arguably does not violate the Local Rules, the combination of the [PI] Motions exceeds the permissible page limit and is, in fact, a violation of the Local Rules. To hold otherwise would be to permit a 25-page motion on each legal ground a party might raise in support of a request for relief—something not contemplated or permitted by Local Rule 3.01(a)." (Doc. 55, p. 3).

The Local Rules impose page limits for a reason: the maintenance of judicial economy. Plaintiff's logic would impose an undue burden on judicial resources and force the Court to permit the piecemeal adjudication of claims, making it practically impossible for the Court to fulfill its responsibility to expediently resolve cases. For example, Plaintiff's rationale allows Defendants to file a 25-page Motion to Dismiss for each of Plaintiff's 23 causes of action. The Court cannot be expected to wade through such unwieldy and likely cumulative briefing. Although Plaintiff's claims will receive due attention, the Court has a large docket and cannot be reasonably expected to devote itself solely to this case. It is evident that the Court intended Plaintiff to have 25 pages to seek preliminary injunctive relief for all of his Counts when it denied his Motion to Exceed the Page Limit.

The Court also agrees with Magistrate Judge Irick that Defendants should be granted an extension to file a response within 30 days of the filing of Plaintiff's

consolidated motion for preliminary injunctive relief. (*Id.*). The Court believes that this decision best serves judicial economy.

Finally, Plaintiff expresses confusion as to what part of Defendant's Motion to Strike was denied by Magistrate Judge Irick. (Doc. 56). The Motion to Strike implies that immediate revocation of Plaintiff's electronic filing privileges is appropriate (Doc. 48, p. 6), and Magistrate Judge Irick's Order does not impose penalties on Plaintiff for his violation of the Court's Page Limit Order.

This Court's opinion slightly differs with that of Magistrate Judge Irick. The Court believes that immediate revocation of Plaintiff's electronic filing privileges is proper for two reasons: (1) Plaintiff's blatant contravention of the Court's Page Limit Order; and (2) Plaintiff's repeated unwarranted designations of his filings as "emergencies" in violation of Local Rule 3.01(e). Filing electronically is a privilege, not a right, and it is a privilege that Plaintiff has abused again and again. However, because Magistrate Judge Irick's decision not to revoke Plaintiff's electronic filing privileges is not clearly erroneous, the Court adheres to his decision not to impose penalties at this time. The Court warns Plaintiff for a second and final time that it will immediately revoke his electronic filing privileges upon the next demonstration of abuse.

Additionally, the Court notes that Plaintiff has violated Local Rule 3.01(e) four times: (1) the filing of the Emergency Motion for Leave to File Electronically; (2) the filing of the Emergency Motion for TRO; (3) the filing of his Time-Sensitive Motion to Exceed Page Limit; and (4) the filing of the instant Emergency Motion

to Vacate. This Court found that Plaintiff's status of being "stranded" in Florida, his "ticketed plans," and his plans for filing motions do not constitute emergency situations. Likewise, Plaintiff's flight to Frankfurt is not an "emergency." A valid "emergency" is a situation outside of Plaintiff's control—but Plaintiff's so-called "emergencies" are self-created and do not rise to the level of exigency that justifies time-sensitive attention and relief. Plaintiff is put on notice for the second and final time that the next unwarranted designation of a filing as an "emergency" will result in this Court holding him in civil contempt. *Harris Corp. v. Fed. Express Corp.*, No. 6:07-cv-1819, 2010 WL 11474444, at \*1 (M.D. Fla. Mar. 3, 2010) (citing *Zocaras v. Castro*, 465 F.3d 479, 490 (11th Cir. 2006)) ("A trial court has the inherent power to impose sanctions for a party's failure to comply with court orders or the Federal Rules of Civil Procedure.").

#### IV. CONCLUSION

For the above reasons, the Court **AFFIRMS** Magistrate Judge Irick's Order striking Plaintiff's PI Motions and granting an extended deadline for Defendants to respond to Plaintiff's consolidated motion for preliminary injunctive relief.

**DONE AND ORDERED** in Orlando, Florida on June 29, 2021.

  
PAUL G. BYRON  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

## Unrepresented Parties

# 4

U.S. Court of Appeals Petition Document 4

ORDER DENYING EMERGENCY  
PETITION FOR PERMISSION TO  
APPEAL & EMERGENCY MOTION  
FOR PRELIMINARY INJUNCTION OR  
TEMPORARY RESTRAINING ORDER



IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 21-90017-J

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LUCAS WALL,

Petitioner,

versus

CENTERS FOR DISEASE CONTROL AND PREVENTION,

Respondent.

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Petition for Permission to Appeal from the  
United States District Court for the Middle District of Florida

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Before: WILLIAM PRYOR, Chief Judge, JORDAN, and LUCK, Circuit Judges.

BY THE COURT:

Lucas Wall, proceeding *pro se*, filed a self-titled “Emergency Petition for Permission to Appeal” seeking our permission to appeal district court orders denying his motion for a temporary restraining order and referring certain matters to a magistrate judge, along with a magistrate judge order striking his motions for a preliminary injunction. Wall cites to Federal Rule of Appellate Procedure 5 as a basis for his request for a permissive appeal. However, Rule 5 does not provide an independent basis for exercising appellate jurisdiction. To the extent that Wall seeks permission to appeal pursuant to 28 U.S.C. § 1292(b), the district court has not certified any order for immediate appeal under that provision. Accordingly, Wall’s petition is DENIED.

While not entirely clear, it appears that Wall may be under the impression that one or more of the orders he seeks to challenge are immediately appealable as of right. As a general matter, when a party seeks to pursue an appeal permitted by law as of right, the proper course is to file a notice of appeal in the district court. *See* Fed. R. App. P. 3(a)(1). Because Wall indicates that he requires a ruling on these matters before a July 1, 2021 flight, we also note that we will not treat his petition as a notice of appeal because none of the district court orders were immediately appealable when he filed the petition. *See* 28 U.S.C. § 1291; *Ingram v. Ault*, 50 F.3d 898, 899–900 (11th Cir. 1995) (“Ordinarily, the denial of a motion for a TRO is not appealable under § 1292(a)(1). TRO rulings, however, are subject to appeal as interlocutory injunction orders if the appellant can disprove the general presumption that no irreparable harm exists.” (citation omitted)); *Donovan v. Sarasota Concrete Co.*, 693 F.2d 1061, 1066–67 (11th Cir. 1982) (“Decisions by a magistrate [judge] pursuant to 28 U.S.C. § 636(b) are not final orders and may not be appealed until rendered final by a district court.”); *Broussard v. Lippman*, 643 F.2d 1131, 1133 (5th Cir. Unit A Apr. 1981) (“When, as here, a district court anticipates that further proceedings on substantive matters may be required, any order it makes to facilitate those further proceedings is necessarily not final.”).

All pending motions are DENIED as moot.

U.S. Court of Appeals Appeal Document 7

**ORDER DISMISSING INTERLOCUTORY  
APPEAL & DENYING TIME-SENSITIVE  
MOTION FOR PRELIMINARY INJUNCTION  
OR TEMPORARY RESTRAINING ORDER**

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 21-12179-D

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LUCAS WALL,

Plaintiff-Appellant,

versus

CENTERS FOR DISEASE CONTROL AND PREVENTION,  
DEPARTMENT OF HEALTH AND HUMAN SERVICES,  
TRANSPORTATION SECURITY ADMINISTRATION,  
DEPARTMENT OF HOMELAND SECURITY,  
DEPARTMENT OF TRANSPORTATION,  
GREATER ORLANDO AVIATION AUTHORITY, et al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Florida

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Before: WILLIAM PRYOR, Chief Judge, JORDAN, and LUCK, Circuit Judges.

BY THE COURT:

This is the second time we are called upon to review this matter. The instant “notice of appeal” was first filed directly in this Court as an “Emergency Petition for Permission to Appeal” in case number 21-90017. We denied Wall’s petition, reasoning that there was no basis for granting the petition. Additionally, we declined to treat the petition as a notice of appeal, partly because none of the district court orders were final and appealable when Wall filed the petition. Nonetheless, it appears that Wall also filed an identical copy of his petition with the

district court, which has now given rise to the instant appeal. We *sua sponte* DISMISS this appeal for lack of jurisdiction.

In this appeal, Wall has indicated that he is appealing the order denying his motion for a temporary restraining order. Just as we noted in case number 21-90017, this order was not appealable when Wall filed his “notice of appeal.” See *Ingram v. Ault*, 50 F.3d 898, 899–900 (11th Cir. 1995). In particular, we note that Wall’s refusal to refile his preliminary injunction motion in the district court in compliance with the court’s local rules, as noted in the magistrate judge’s order, is an insufficient basis for us to exercise our appellate jurisdiction in this case. See *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225 (11th Cir. 2005) (noting that we may review an order granting or denying a TRO if it might have serious, perhaps irreparable consequences and it can only be effectively challenged via an immediate appeal).

All pending motions are DENIED as moot. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.

# 6

U.S. Court of Appeals Appeal Document 10

ORDER DENYING EMERGENCY MOTION TO  
RECONSIDER DISMISSAL OF  
INTERLOCUTORY APPEAL & DENIAL  
OF TIME-SENSITIVE MOTION FOR  
PRELIMINARY INJUNCTION OR  
TEMPORARY RESTRAINING ORDER

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 21-12179-D

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LUCAS WALL,

Plaintiff-Appellant,

versus

CENTERS FOR DISEASE CONTROL AND PREVENTION,  
DEPARTMENT OF HEALTH AND HUMAN SERVICES,  
TRANSPORTATION SECURITY ADMINISTRATION,  
DEPARTMENT OF HOMELAND SECURITY,  
DEPARTMENT OF TRANSPORTATION,  
GREATER ORLANDO AVIATION AUTHORITY, et al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Florida

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Before: WILLIAM PRYOR, Chief Judge, JORDAN, and LUCK, Circuit Judges.

BY THE COURT:

Appellant's "Emergency Motion to Reconsider the Court's Order Dismissing the Appeal for Lack of Jurisdiction" is DENIED.

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Exhibit

DECLARATION OF  
APPLICANT LUCAS WALL



**UNITED STATES SUPREME COURT**

**LUCAS WALL,**

Applicant,

v.

**CENTERS FOR DISEASE  
CONTROL & PREVENTION *et al.***

Respondents.

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:  
: Case No. \_\_\_\_\_  
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**DECLARATION OF LUCAS WALL**

I, Lucas Wall, declare as follows:

1. I am the applicant in the above captioned action and over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate (“FTMM”) on my freedom to travel and other legal rights.
4. I am, and have been for my entire adult life, a frequent flyer, having flown more than 1,000 flights and more than 1.5 million miles. I have visited 133 foreign countries.
5. Due to my Generalized Anxiety Disorder, I have never covered my face. I tried a mask a couple times for brief periods last year, but had to remove it after five or so minutes because it caused me to instigate a feeling of a panic attack, including hyperventilating and other breathing trouble.

6. I have been illegally restricted from flying during the last year of the COVID-19 pandemic because of my inability to wear a mask, especially since the FTMM took effect Feb. 1, 2021.
7. Were it not for the illegal FTMM and individual airlines' discriminatory mask policies, I would be traveling on dozens of flights this year both domestically and abroad as per usual.
8. I have been fully vaccinated from COVID-19 since May 10, 2021.
9. I was denied the ability to fly by the Federal Defendants and Southwest Airlines from Orlando (MCO) to Fort Lauderdale (FLL) on June 2, 2021, solely because I can't wear a face covering – despite the fact I submitted the airline's mask exemption form immediately after booking my ticket May 31, 2021.
10. Defendant Transportation Security Administration (“TSA”) refused to let me pass through its checkpoint at MCO solely because I can't wear a mask, refusing to accept my exemption form and/or CDC COVID-19 Vaccination Record Card.
11. TSA did not give me an opportunity to appeal the refusal to a neutral decisionmaker, violating my Fifth Amendment right to due process and my constitutional right to freedom of movement.

12. I was again denied the ability to fly June 16, 2021, when I had a ticket purchased on JetBlue Airways from Fort Lauderdale to Salt Lake City, because of the FTMM. I could not even fly from Orlando to Fort Lauderdale to make the flight to Salt Lake City, solely because of the FTMM.
13. I was again denied the ability to fly June 18, 2021, when I had a ticket purchased on Frontier Airlines from Salt Lake City to Phoenix, because of the FTMM.
14. I was again denied the ability to fly June 20, 2021, when I had a ticket purchased on Allegiant Air from Phoenix/Mesa to Houston, because of the FTMM. The loss of this ticket cost me \$110.00.
15. I was again denied the ability to fly June 22, 2021, when I had a ticket purchased on Southwest Airlines from Houston to Dallas, because of the FTMM.
16. I was again denied the ability to fly June 24-25, 2021, when I had a ticket purchased on Delta Air Lines from Dallas to Frankfurt, Germany, via Atlanta, because of the FTMM.
17. I rebooked my trip to Germany to visit my brother and his wife for July 1-8, however I had to reschedule this trip again to July 17-24 because I could not obtain injunctive relief from the U.S. Court of Appeals for the 11th Circuit to halt enforcement of the FTMM. These two ticket changes cost me \$617.10.

18. My brother and sister-in-law reside in Germany. I haven't seen them in more than two years, in great part because of the travel restrictions imposed on both sides of the Atlantic Ocean due to the COVID-19 pandemic.
19. There is no mode of transportation available for me to travel from Florida to Germany other than airplane.
20. As a result of having to change my ticket to Germany, I had to cancel a Spirit Airlines flight I had booked July 3 from Myrtle Beach, South Carolina, home to Washington, D.C. The loss of this ticket cost me \$37.59.
21. I had another ticket to fly July 10 from my home of Washington, D.C., to Seattle on Alaska Airlines, returning July 15, but had to change that to July 28 to Aug. 4 because of my inability to obtain injunctive relief from the 11th Circuit. This ticket change cost me \$5.20.
22. I have a substantial interest in the FTMM at issue in this suit. I am a frequent flyer, subject to Defendant TSA's enforcement policies dozens of times a year. I was denied the ability to fly June 2, 16, 18, 20, 22, and 24-25 as well as July 1 because of the FTMM. My denied flights include intrastate, interstate, and international travel.
23. I have now lost a total of \$769.89 in ticket cancellation and change fees because of the FTMM.
24. I have two airline tickets booked for travel in July (with Delta and Alaska as described above), which will require me passing through a TSA check-

point wearing a mask, which I can't do because my Generalized Anxiety Disorder makes it impossible for me to tolerate covering my nose and mouth, my only sources of oxygen.

25. Were it not for the illegal FTMM blocking me from passing through TSA security checkpoints even though I'm fully vaccinated and have a medical condition that prohibits me from covering my face, I would have planned several more domestic and international trips between now and the end of this year.

Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 1, 2021.

*Lucas Wall*  
Lucas Wall, applicant

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Exhibit

DELTA AIR LINES TICKET CHANGE



MY TRIPS BOOK A TRIP FLIGHT STATUS CHECK IN

SIGN UP

# CONFIRMATION # [REDACTED]

THANK YOU FOR TRAVELING WITH DELTA, LUCAS!

Your booking is complete. We'll send you an email shortly to LEWNWDC77-AIRLINES@YAHOO.COM with your receipt and itinerary details.

## Orlando, FL to Washington-Reagan National, DC

Flight confirmation # [REDACTED] - Sat, 17 Jul 2021

MULTI CITY | 1 PASSENGER

Total Trip Cost (USD) \$160.40

GET TRIP NOTIFICATIONS

### WHAT'S NEXT

- Visit My Trips to access your itinerary, see receipts, and manage your flights
- Also in My Trips, purchase insurance, hotel stays, car rentals, or Trip Extras like Wi-Fi and Priority Boarding
- On international tickets, you may be entitled to a refund of some government taxes or fees. If you believe you qualify for a refund, please submit a request [online](#) or see our [Refunds FAQs](#) for other ways to do so.

### NEW ITINERARY

SAT 17 JUL

MCO • FRA  
2:00 PM 08:55 AM  
ARRIVES NEXT DAY

DL 2303, DL 14  
12h 55m | 1 STOP

Main Cabin (L) |  
Main Cabin (L)  
Changeable / Refundable

Delta Air Lines Baggage Information

Details ▶

DEPARTS Sat, 17 Jul | 2:00 PM from Orlando Intl (MCO)  
 ARRIVES Sat, 17 Jul | 3:42 PM at Hartsfield-Jackson Atlanta Intl (ATL)  
 FLIGHT DL 2303 | 1h 42m  
 AIRCRAFT Boeing 757 | Meal Services

2h 19m Layover in Atlanta, GA | You change planes in ATL

DEPARTS Sat, 17 Jul | 6:01 PM from Hartsfield-Jackson Atlanta Intl (ATL)  
 ARRIVES Arrives Next Day Sun 18 Jul | 08:55 AM at Frankfurt Rhein Main Intl Arpt (FRA)  
 FLIGHT DL 14 | 8h 54m  
 AIRCRAFT Airbus A330-300 | Meal Services

### PRICE SUMMARY PER PASSENGER

Original Flight Value \$2,127.25  
 Change Fee + 0.00  
 Available eCredit \$2,127.25  
 New Flight -\$2,287.65  
 Total Price Per Passenger \$160.40

SAT 24 JUL

FRA • DCA  
11:30 AM 7:40 PM

DL 15, DL 2174  
14h 10m | 1 STOP

Main Cabin (T) |  
Main Cabin (T)  
Changeable / Refundable

Delta Air Lines Baggage Information

Details ▶

DEPARTS Sat, 24 Jul | 11:30 AM from Frankfurt Rhein Main Intl Arpt (FRA)  
 ARRIVES Sat, 24 Jul | 3:30 PM at Hartsfield-Jackson Atlanta Intl (ATL)  
 FLIGHT DL 15 | 10h 0m  
 AIRCRAFT Airbus A330-300 | Meal Services

2h 15m Layover in Atlanta, GA | You change planes in ATL

Total Price (1 passenger) (USD) \$160.40

**DEPARTS** Sat, 24 Jul | 5:45 PM from Hartsfield-Jackson Atlanta Intl (ATL)  
**ARRIVES** Sat, 24 Jul | 7:40 PM at Ronald Reagan Washington National Arprt (DCA)  
**FLIGHT** DL 2174 | 1h 55m  
**AIRCRAFT** Airbus A321 | Meal Services

Thank you for being a valued customer. The fees below are based on general passenger information. If you qualify for free or discounted checked baggage, this will be taken into account when you check in.

**PASSENGERS, SEATS & EXTRAS**

	Seats	Extras	Special Services	Seats	\$0.00
				Extras	\$0.00
<b>LUCAS WALL</b>					
<b>1</b>					
MCO ▶ ATL	<b>39D</b>				
ATL ▶ FRA	<b>30B</b>				
FRA ▶ ATL	<b>41G</b>				
ATL ▶ DCA	<b>23C</b>				
				<b>All Seats &amp; Extras Subtotal</b>	<b>\$0.00</b>

<sup>1</sup> On Delta operated flights, you may carry on one bag and a small personal item at no charge. Carry-on allowances may differ and fees may apply for flights operated by carriers other than Delta. Contact the operating carrier for detailed carry-on limitations and charges.

IMPORTANT: Visit delta.com for details on **baggage embargoes** that may apply to your itinerary.

**PAYMENT**

CARD TYPE	CARD HOLDER	CARD NUMBER	Amount Charged (USD)	\$160.40
MasterCard	Lucas Wall	*****7555		

**TERMS AND CONDITIONS**

**General Conditions of Purchase**

You agree to accept all [Fare Rules](#) for each flight, all [Trip Extras Terms & Conditions](#), and all terms in Delta's applicable [Contract of Carriage](#). Once your ticket is purchased, [Risk-Free Cancellation](#) may apply. No contract exists until you receive confirmation that payment was received and processed.

View [Fare Rules](#), [Change & Cancellation Policies](#). This ticket is [changeable/refundable](#). Fees may apply. Failure to appear for any flight without notice to Delta will result in cancellation of your remaining reservation.

The advertised price is not an offer and is subject to change. All prices are (USD) unless otherwise noted. You may see separate transactions to your credit card based on the vendors and the products you are purchasing. Amounts may vary dependant on the rate of exchange at time of transaction.

In-Flight services and amenities may vary and are subject to change.

**BAGGAGE ALLOWANCE**

Final baggage fees will be assessed and charged at time of check in. [Baggage fees](#) may change based on the class of service or frequent flyer status.



# 9

## Exhibit

### ALASKA AIRLINES TICKET CHANGE

Confirmation Code:



Traveler:

Lucas Wall

E-Ticket: [Redacted]

MP#: Not available

Seats: IAD-SEA 25E

SEA-IAD 28B

Flight	Departs	Arrives
Alaska 1032		
Main (Y)	Washington, DC-Dulles (IAD)	Seattle (SEA)
Nonstop	Wed, Jul 28	Wed, Jul 28
Distance: 2,299 mi	7:45 am	10:33 am
Duration: 5h 48m		
Alaska 1078		
Main (Y)	Seattle (SEA)	Washington, DC-Dulles (IAD)
Nonstop	Wed, Aug 4	Wed, Aug 4
Distance: 2,299 mi	8:26 am	4:35 pm
Duration: 5h 9m		

Flight Total for 1 passenger

The MasterCard ending with \*\*\*\*\*7555 has been charged a total of USD \$5.20.

Airfare for Lucas Wall:

New Purchase	\$1,598.00
Previous Purchase	-\$1,592.80
Amount charged:	\$5.20
New ticket total per passenger	\$1,598.00
Fare	\$1,459.72
Base fare	\$1,459.72
Taxes and fees	\$138.28
United States Flight Segment Tax	
Domestic	\$8.60
US psgr. facility charge	\$9.00
US Sept. 11 security fee	\$11.20
US transportation tax	\$109.48

Each ticket will be a separate charge on your credit card statement.

For additional assistance with your reservation, call us at 1-800-252-7522 for assistance.

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## Exhibit

### DECLARATIONS OF 13 AIRLINE PASSENGERS & A FORMER FLIGHT ATTENDANT

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LUCAS WALL,**

Plaintiff,

v.

**CENTERS FOR DISEASE  
CONTROL & PREVENTION, *et. al.***

Defendants.

:  
:  
: Case No. 6:21-cv-975-PGB-DCI  
:  
: District Judge Paul Byron  
:  
: Magistrate Judge Daniel Irick  
:  
:  
:

**DECLARATION OF JENNIFER DAVIS**

I, Jennifer Davis, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 622 Savile Row Terr., Purcellville, VA 20132.
4. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate (“FTMM”) on my freedom to travel and other legal rights.
5. I fly to El Salvador about 2 to 3 times a year.
6. Due to my human rights, hours of research proving masks are not healthy and common sense, I can’t tolerate wearing a face mask. Covering my nose and mouth inhibit my breathing, give me a headache, and make me sick for days.

7. I have flown 2 times during the COVID-19 pandemic since it was declared by the World Health Organization in March 2020 and have been subject to the FTMM and/or airlines' mask policies.
8. Were it not for the illegal FTMM and individual airlines' discriminatory mask policies, I would be traveling on about 2 more flights this year.
9. I have a substantial interest in the FTMM at issue in this suit. I am a frequent flyer, subject to Defendant TSA's enforcement policies about 3 times per year.
10. I do not currently have any future flights booked because I won't fly until the FTMM and airline mask policies are struck down or repealed.
11. The last flight I had in April 2021 was the worst flying experience I've ever had.
12. I was wearing a mask that covered my nose and mouth. It also wrapped around my head, similar to a bandana, but tight and stretchy so it wouldn't fall off or require me to keep touching it.
13. I was told on the plane I wasn't wearing a mask and was forced to wear a mask that was laden with chemicals and made me sick for 2 weeks.
14. The trip back home was similar. I purchased a mask that seemed it would pass the guidelines, but that was also not accepted.
15. I was harassed on the flight there and back by airline employees, making my trip extremely stressful. I always use the same airline and usually have a very

pleasant experience with friendly service. This mask mandate has caused nothing but actual illness and lack of good customer service.

Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 21, 2021.

/s/Jennifer Davis  
Jennifer Davis

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

<b>LUCAS WALL,</b>	:	
	:	
Plaintiff,	:	Case No. 6:21-cv-975-PGB-DCI
	:	
v.	:	District Judge Paul Byron
	:	
<b>CENTERS FOR DISEASE CONTROL &amp; PREVENTION, et. al.</b>	:	Magistrate Judge Daniel Irick
	:	
Defendants.	:	

**DECLARATION OF LINDA DIANE BUNK**

I, Linda Diane Bunk, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 5865 Trinity Parkway #156, Centreville, VA 20120.
4. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate (“FTMM”) on my freedom to travel and other legal rights.
5. I travel about 8 times a year on long-haul flights to Ukraine and elsewhere in Eastern Europe.
6. Due to my Bipolar Disorder, Asperger’s, and lung condition, I can’t tolerate wearing a face mask. Covering my nose and mouth make me feel like I can’t breathe, which causes physical and emotional issues. My chest and lungs

hurt. I feel like I am being smothered. I feel very anxious, and I just want to flee.

7. I have been illegally restricted from flying during the last year of the COVID-19 pandemic because of my inability to wear a mask, especially since the FTMM took effect Feb. 1, 2021.
8. I have flown 2 times during the COVID-19 pandemic since it was declared by the World Health Organization in March 2020 and have been subject to the FTMM and/or airlines' mask policies.
9. Were it not for the illegal FTMM and individual airlines' discriminatory mask policies, I would be traveling on about 8 more flights this year.
10. I have a substantial interest in the FTMM at issue in this suit. I am a frequent flyer, subject to Defendant TSA's enforcement policies about 8 of times a year.
11. My next booked flight is July 22, 2021, on Turkish Airlines from IAD (Washington) to IST (Istanbul) to LWO (Lviv, Ukraine) to serve in a camp with disabled children.
12. My return is slated for October 20, 2021, from LWO to IAD.
13. In November 2021, I am booked from fly from IAD to London.
14. These trips are to serve families with disabled children.
15. I flew Frontier Airlines at Easter and it was terrible. The flight was booked, the plane was very hot, and the airline was not serving water or anything to



drink. I had a short flight from BWI (Baltimore) to MCO (Orlando). My chest hurt and I became dehydrated because I was forced to wear a mask.

Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 21, 2021.

/s/ Linda Diane Bunk  
Linda Diane Bunk

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LUCAS WALL,**

Plaintiff,

v.

**CENTERS FOR DISEASE  
CONTROL & PREVENTION, et. al.**

Defendants:

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⋮  
⋮

Case No. 6:21-cv-975-PGB-DCI

District Judge Paul Byron

Magistrate Judge Daniel Irick

**DECLARATION OF THERESA C. MULLINS**

I, Theresa C. Mullins, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 81 Alfson Cir., Hendersonville, NC, 28792
4. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate (“FTMM”) on my freedom to **earn a wage**, travel, and other legal rights.
5. I am a recently resigned Flight Attendant (“FA”) that was likely the first in the nation to go public with my story. I worked as an FA for 13 years, of which 5 of those years were happily working at Allegiant Air.

6. I resigned after an 8-month company-requested personal leave because the company insisted I return to work and enforce an oppressive mask mandate on our passengers.
7. The last time I worked a flight was at the end of May 2020. At that time, the airlines were graciously offering passengers a “safety kit” with an optional face mask enclosed.
8. I believe the federal mandate is illegal and a tyrannical oppressive compliance order.
9. I have flown dozens of times during the COVID-19 pandemic since it was declared by the World Health Organization in March 2020 and have been subject to the airlines’ mask policies for crew members. FAs were required by the airlines to wear masks before the passengers were federally mandated. However, pilots and other occupants of the Flight Deck are exempt.
10. Were it not for the illegal FTMM and individual airlines’ discriminatory mask policies, I would **NEVER** have resigned. I was content in my position with a unblemished employment record. I had planned to work until retirement age at Allegiant.
11. I filed a grievance with the union, asking to be reinstated (with seniority) when the mask mandates are removed. I cited the Discrimination Clause, Creed. I said it was – and still is – against my moral values and beliefs to enforce an illegal mandate.

12. Allegiant rejected the first and second grievance in written form. Although the union supported my grievance, they chose not to proceed to the final remedy, arbitration.
13. I have a substantial interest in the FTMM at issue in this suit. I am a dedicated FA, a safety professional with a rock-solid training record. I was known for my classic, gentle deportment. A flight attendant with a sincere concern for passengers' safety and comfort.
14. I do not currently have any future leisure flights booked because I won't fly until the FTMM and airline mask policies are struck down or repealed.
15. I am desperately seeking a private charter FA position that does not require I FORCE any passenger to wear a mask. I need a wage. I did not want to retire from the industry yet.
16. The FTMM makes me terrified for passengers. As a regulation, the FAA must test crew and aircraft for a quick (90-second) full-cabin evacuation during an emergency. The test is required for the FAA to certify the planes and the crew.
17. I am extremely concerned that a test was not made for an EXPLOSIVE DE-COMPRESSION at 38,000 to 40,000 feet (a typical cruising altitude) with a cabin filled with masked passengers. A person has 1 to 3 seconds to don the oxygen mask at that altitude. ALL flight attendants in the USA are taught this.

18. For example, a passenger who is the mother of three children traveling beside her can NOT remove her face mask, place on her O2 mask, and reach over to assist her three children doing the same in less than 3 seconds. That is impossible. While the mother might survive, her children will not. I would remind the Court to have a look at the most recent Explosive Decompression videos on YouTube to view the massive destruction and death that such events cause.
19. I have actively pursued remedies to this egregious injustice. I have researched all the documents provided by America's Frontline Doctors. Face masks are not keeping our passengers safe.
20. Crew members know that all modern airplanes have the FAA-mandated HEPA-filter system that replaces the cabin air every 4 minutes. The filter systems are regulated and are a maintenance checklist item.
21. I joined an anti-mask lobby group for passengers, Freedom Airways Freedom Travel Alliance, to learn more about the health damages of masks and learn how to resist this illegal mandate.
22. I signed a petition to stop the FTMM hosted by America Restored.
23. I warned FlyersRights.org that their pro-mask propaganda will NOT help the passengers seeking their assistance for injustices. I warned the webmaster that masked flyers will lose their tempers, and incidents will become worse.

24. Pilots are exempt from the FTMM in the Flight Deck. The pilots MUST have the ability to use the Flight Deck equipped “Quick Don O2” mask without any obstruction to their faces. It is for DECOMPRESSIONS. Could that be the reason pilots are exempt? Does the Court believe the cabin will not be effected in an explosive decompression? The passengers’ lives are expendable?
25. All passengers are not comfortable with flying. Many frequent flyers become nervous, anxious, or afraid sometimes in unusual circumstances. The facial mask creates an inhumane personal detachment from human language signals. It is causing social frictions, and will get worse and worse.
26. I ask the Court to review the numerous aggressive incidents concerning masks aboard flights between passengers and crew. FAs are NOT law-enforcement officers and should NOT be. We are safety professionals. The mask mandate is an oppressive compliance ritual that must be stopped now. It is unsafe and poses an extremely deadly risk to everyone in the case of a decompression.

Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 21, 2021.

/s/ Theresa C. Mullins  
Theresa C. Mullins

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LUCAS WALL,**

Plaintiff,

v.

**CENTERS FOR DISEASE  
CONTROL & PREVENTION, *et. al.***

Defendants.

:  
:  
: Case No. 6:21-cv-975-PGB-DCI  
:  
: District Judge Paul Byron  
:  
: Magistrate Judge Daniel Irick  
:  
:  
:

**DECLARATION OF GREGORY G. DISISTO**

I, Gregory G. Disisto, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 7901 CANYON LAKE CIR, ORLANDO, FL 32835.
4. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate (“FTMM”) on my freedom to travel and other legal rights.
5. I fly or travel by other common carriers subject to the FTMM such as Amtrak Rail Service once or twice per year.
6. Due to my anxiety, I can’t tolerate wearing a face mask. Covering my nose and mouth makes me feel as though I can never get enough oxygen, which causes

my rate and depth of respiration to noticeably increase, which causes me further anxiety.

7. Were it not for the illegal FTMM and individual airlines' discriminatory mask policies, I would be traveling on about 2 more flights or railroad trips this year.
8. My next booked flight is August 31, 2021, on JetBlue Airlines from Orlando to Boston to attend a family wedding.
9. My next booked trip aboard Amtrak is July 3, 2021, from Sanford, FL, to Lorton, VA, with my wife to visit her elderly parents for the first time since the pandemic began.
10. My anxiety is further exacerbated by the thought of the consequences of wearing a warm moist cover over my solitary means of breathing, my mouth and nose, where dangerous bacteria get trapped in an environment perfect for their growth and multiplication rather than dispersed and diluted into the open air.
11. I am concerned about being ordered to wear a medical device when I have not been diagnosed to be either sick or contagious with a communicable disease.

Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 21, 2021.

/s/ Gregory G. DiSisto



**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

<b>LUCAS WALL,</b>	:	
	:	
Plaintiff,	:	Case No. 6:21-cv-975-PGB-DCI
	:	
v.	:	District Judge Paul Byron
	:	
<b>CENTERS FOR DISEASE CONTROL &amp; PREVENTION, et. al.</b>	:	Magistrate Judge Daniel Irick
	:	
Defendants.	:	

**DECLARATION OF JOHN A. CALDWELL**

I, John A Caldwell, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 8209 Jasmine Drive, Westminster, CA 92683.
4. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate ("FTMM") on my freedom to travel and other legal rights.
5. Until 2020 I would fly 6-8 times per year for both business and leisure.
6. Due to my CHF, Cardiomyopathy, sinus damage from radiation, and PTSD, I can't tolerate wearing a face mask. Covering my nose and mouth restricts breathing. Difficulty breathing or shortness of breath are the most common and distinctive symptoms of congestive heart failure, therefore intentionally

restricting my ability to breath freely puts my health at unnecessary risk due to my documented CHF and Cardiomyopathy.

7. Damage to the membrane layer of the nasal cavity from radiation causes the nasal lining and membrane layer to collapse thereby reducing the cavities volume. Having my head bolted to a table by a mask for over 30 days while having tumors burned from my neck and throat by radiation has left a lingering PTSD for anything on my face beyond the glasses that I've worn all of my life.
8. I have flown twice without face covering during the COVID-19 pandemic since it was declared by the World Health Organization in March 2020 before being subjected to the FTMM and/or airlines' mask policies.
9. Were it not for the illegal FTMM and individual airlines' discriminatory mask policies, I would be traveling on about 3-4 more flights this year for business and spending time with my aging mother 3,000 miles away.
10. I and my two special needs children, also unable to wear masks, were denied the ability to fly by United Airlines from Orange County, California, to Ft. Myers, Florida, in September 2020, solely because we can't wear face coverings. DOT Case Number CL2020090724.
11. I have a substantial interest in the FTMM at issue in this suit. I am a frequent flyer, subject to Defendant TSA's enforcement policies about six to eight times per year.

12. I do not currently have any future flights booked because I won't fly until the FTMM and airline mask policies are struck down or repealed.

Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 22, 2021.

/s/ John A. Caldwell

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

<b>LUCAS WALL,</b>	:	
	:	
Plaintiff,	:	Case No. 6:21-cv-975-PGB-DCI
	:	
v.	:	District Judge Paul Byron
	:	
<b>CENTERS FOR DISEASE CONTROL &amp; PREVENTION, et. al.</b>	:	Magistrate Judge Daniel Irick
	:	
Defendants.	:	

**DECLARATION OF PETER MENAGE**

I, Peter Menage, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 3255 N Mars Avenue, Palmer, AK 99645.
4. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate (“FTMM”) on my freedom to travel and other legal rights.
5. I fly approximately 10 times (or more) per year.
6. Due to my respiratory issues, I can not tolerate wearing a face mask. Covering my nose and mouth prevents proper breathing inducing faintness, anxiety and more.

7. Were it not for the illegal FTMM and individual airlines' discriminatory mask policies, I would be traveling on about 2 to 4 more flights this year.
8. I have a substantial interest in the FTMM at issue in this suit. I am a frequent flyer, subject to Defendant TSA's enforcement policies about 10 times per year.
9. My next booked flight is July 15, 2021, on Alaska Airlines from Anchorage, Alaska to Prudhoe Bay, Alaska for my employment.
10.
  - A. Despite presenting a written medical exemption from my physician to airline staff on numerous occasions, I was unable to pass security or board the aircraft without a mask.
  - B. I work in the remote Arctic. Air travel is essential/vital to maintaining my employment and livelihood.
  - C. On one occasion the flight crew forbid me from consuming food or drinks for the duration of the flight lest I be banned from the airline.

Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 24, 2021.



Peter Menage

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

<b>LUCAS WALL,</b>	:	
	:	
Plaintiff,	:	Case No. 6:21-cv-975-PGB-DCI
	:	
v.	:	District Judge Paul Byron
	:	
<b>CENTERS FOR DISEASE CONTROL &amp; PREVENTION, <i>et. al.</i></b>	:	Magistrate Judge Daniel Irick
	:	
Defendants.	:	

**DECLARATION OF SANSHIRO B. HANAFUSA**

I, Sanshiro B. Hanafusa, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 5731 River Rd. Apt. 208, Nashville, TN 37209.
4. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate (“FTMM”) on my freedom to travel and other legal rights.
5. I fly about 4 flights per year (2 round trips).
6. Due to my severe anxiety disorder, panic attacks, PTSD, and high blood pressure, I can’t tolerate wearing a face mask or shield. Covering my nose and mouth causes severe anxiety, hyperventilation, dangerously high blood pressure, panic attacks, passing out, anxiety shakes, heart palpation, feeling

like I'm trapped in a fish bowl, fluctuation vision like a digital camera focusing, sometimes blurry, back spasms, eye twitches, muscle spasms, trouble breathing, emotional breakdowns, inner ear imbalance, and dizziness that require 10 medications just to barely function.

7. I have flown one time during the COVID-19 pandemic since it was declared by the World Health Organization in March 2020 and have been subject to the FTMM and/or airlines' mask policies. Fortunately the airport EMTs agreed with me after I showed them my medical paperwork, and my ADA papers, and checking my vitals. They told the flight attendant that I could not fly with a mask or covering of any kind. They asked if I could be allowed to fly maskless and just sit in the back row. The attendant also said I looked like I was going to pass out when they announced masks required. And that when I stood at the counter to ask about an exemption she was alarmed at my condition and called the EMTs
8. Were it not for the illegal FTMM and individual airlines' discriminatory mask policies, I would be traveling on about 3 to 4 more flights this year.
9. I have a substantial interest in the FTMM at issue in this suit. I am a frequent flyer, subject to Defendant TSA's enforcement policies about 4 times a year.
10. I do not currently have any future flights booked because I won't fly until the FTMM and airline mask policies are struck down or repealed.
11. Upon my return to Nashville (BNA) Airport in October 2020, the airport workers tried to harass me to wear a mask. I showed them my papers, but

still suffered a panic attack and had to take anti-panic meds immediately due to being harassed and felt very dizzy. I have developed new PTSD and increased anxiety about ever flying again since my treatment at the airport and all the kind people it took that lucky day just to get me a maskless flight home. My basic and may I say essential God-given right to breath and not pass out I feel has been taken from me.

Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 22, 2021.

/s/Sanshiro B. Hanafusa



**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LUCAS WALL,**

Plaintiff,

v.

**CENTERS FOR DISEASE  
CONTROL & PREVENTION *et. al.***

Defendants.

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:  
: Case No. 6:21-cv-975-PGB-DCI  
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: District Judge Paul Byron  
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: Magistrate Judge Daniel Irick  
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**DECLARATION OF TONY EADES**

I, Tony Eades, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 19499 Cedar Gate Dr., Warsaw, Missouri, 65355.
4. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate (“FTMM”) on my freedom to travel and other legal rights.
5. Before the mask mandate, I flew 4 to 5 times a year. Since the mask mandate, I only flew a couple times. I am now trying to wait until things return to normal, meaning no mask mandate, until I fly again.
6. Due to my military injury of a gunshot wound to the chest, asthma, and breathing difficulties, it is unbearable and sometimes impossible to

maintain normal breathing. I can't tolerate wearing a face mask. Covering my nose and mouth brings back my severe Post-Traumatic Stress Disorder from being in Iraq, in the way of after I was shot, I was not able to breath due to where I was shot. So my PTSD affects me and prevents me from properly wearing the mask.

7. I have flown 4 times during the COVID-19 pandemic since it was declared by the World Health Organization in March 2020 and have been subject to the FTMM and/or airlines' mask policies.
8. Were it not for the illegal FTMM and individual airlines' discriminatory mask policies, I would be traveling on about at least 6 more flights this year.
9. I was denied the ability to fly by the Federal Defendants and Southwest Airlines from Phoenix to Kansas City on March 14, 2021, solely because I can't wear a face covering. I was removed from a flight right before takeoff because I removed my mask so I could get some breaths.
10. The FAA was going to charge me with a crime and a monetary fine, but the investigation did not find enough evidence to fine me. But the TSA restricted my Pre-Check privileges for a full year because it claims I restricted the flight crew from properly doing their jobs.
11. I have a substantial interest in the FTMM at issue in this suit. I am a frequent flyer, subject to Defendant TSA's enforcement policies 10-15 times a year.
12. I do not currently have any future flights booked because I won't fly until the FTMM and airline mask policies are struck down or repealed.

13. I have each time I flew had every official or airline employee rudely demand I put on my mask after I try to explain to them my medical condition, and they all say the same thing, "Well, perhaps you need to consider other means of travel if you cannot follow the federal mandate."

Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 25, 2021.

/s/ Tony Eades

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LUCAS WALL,**

Plaintiff,

v.

**CENTERS FOR DISEASE  
CONTROL & PREVENTION *et. al.***

Defendants.

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:  
: Case No. 6:21-cv-975-PGB-DCI  
:  
: District Judge Paul Byron  
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: Magistrate Judge Daniel Irick  
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**DECLARATION OF MICHELLE ROWLAND SANOSKE**

I, Michelle Rowland Sanoske, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 10053 Beacon Pond Ct., Burke, VA 22015.
4. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate (“FTMM”) on my freedom to travel and other legal rights.
5. I fly to Hawaii once a year to visit family and I also fly for vacation, usually to Europe or Asia. I also fly for work, attending many conventions throughout the United States related to my profession.

6. I have flown 2 times during the COVID-19 pandemic since it was declared by the World Health Organization in March 2020 and have been subject to the FTMM and/or airlines' mask policies.
7. Were it not for the illegal FTMM and individual airlines' discriminatory mask policies, I would be traveling on about 3 more flights this year.
8. I have a substantial interest in the FTMM at issue in this suit. I am a frequent flyer, subject to Defendant TSA's enforcement policies about 3-4 times per year.
9. I do not currently have any future flights booked because I won't fly until the FTMM and airline mask policies are struck down or repealed.
10. I am unable to breathe with a mask on. On the two occasions that I flew, I experienced dizziness, lightheadedness, and claustrophobia.

Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 27, 2021.

/s/ Michelle Rowland Sanoske

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LUCAS WALL,**

Plaintiff,

v.

**CENTERS FOR DISEASE  
CONTROL & PREVENTION *et. al.***

Defendants.

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: Case No. 6:21-cv-975-PGB-DCI  
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: District Judge Paul Byron  
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: Magistrate Judge Daniel Irick  
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**DECLARATION OF CONNIE RARRICK**

I, Connie Rarrick, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 36 Lafayette St., Saco, ME 04072.
4. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate (“FTMM”) on my freedom to travel and other legal rights.
5. I fly 1-2 times a year.
6. Due to my irregular high and low heart rhythms, I can’t tolerate wearing a face mask. Covering my nose and mouth causes my heart rate to drop into the 30s.

7. My doctors have ordered me not to mask, and one of them gave me a face shield – which of course does nothing to prevent my breath from escaping into a room. His response when I asked if he thought the shield did any good was, “I have to do what they tell me.” Even the hospital stopped trying to force me to mask due to the doctors’ orders and my heart condition.
8. I have been illegally restricted from flying during the last year of the COVID-19 pandemic because of my inability to wear a mask, especially since the FTMM took effect Feb. 1, 2021.
9. I have flown two times during the COVID-19 pandemic since it was declared by the World Health Organization in March 2020, but it was before the airlines’ and the Federal Defendants’ mask policies.
10. Were it not for the illegal FTMM and individual airlines’ discriminatory mask policies, I would be traveling on about 1-2 more flights this year.
11. I was denied the ability to fly by Southwest Airlines from Portland, Maine, to Birmingham, Alabama, on Aug. 25, 2020, solely because I can’t wear a face covering.
12. I have a substantial interest in the FTMM at issue in this suit. I am a frequent flyer, subject to Defendant TSA’s enforcement policies about 1-2 times per year.
13. I do not currently have any future flights booked because I won’t fly until the FTMM and airline mask policies are struck down or repealed.

14. On the flight I took from Portland to Iowa in June 2020, before the mandates, my family and I had been told we would not need to wear masks due to our health. We were harassed by a Southwest flight attendant because we were not wearing masks. The head attendant corrected the situation, but it was an unfair and unsettling ordeal.
15. My daughter and I called Southwest before the August 2020 flight because we had seen a news report that airlines were removing maskless passengers and putting them on a no-fly list. Southwest told us we would have to mask or not fly. We cancelled the flights.
16. Due to the continued discrimination of the airlines regarding masks, we were not able to fly for our Christmas vacation. Instead, we drove the 3,500-mile roundtrip in a two-week period. With my already present heart issues, this trip caused more complications. I was physically unable to enjoy the trip and visit with my grandchildren. I spent much of my time resting and barely remembering the events that I was able to be present for.
17. When I arrived home, I was ill from January until May, and I am still dealing with complications from not having enough time to rest between driving days. My daughter has stayed home to care for me and has not been able to work.



Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 26, 2021.

/s/ Connie Rarrick

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LUCAS WALL,**

Plaintiff,

v.

**CENTERS FOR DISEASE  
CONTROL & PREVENTION *et. al.***

Defendants.

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:  
: Case No. 6:21-cv-975-PGB-DCI  
:  
: District Judge Paul Byron  
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: Magistrate Judge Daniel Irick  
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**DECLARATION OF JARED RARRICK**

I, Jared Rarrick, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 36 Lafayette St. Saco, ME 04072.
4. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate (“FTMM”) on my freedom to travel and other legal rights.
5. I fly 1-2 times per year.
6. Due to my brain bleed a few years ago, my age, and my inability to breathe well, I can’t tolerate wearing a face mask. Covering my nose and mouth causes me lack of the correct amount of oxygen, thus making it difficult to breathe, which inhibits the length of my daily work and activities.

7. I have been illegally restricted from flying during the last year of the COVID-19 pandemic because of my inability to wear a mask since the individual airlines mandated masks and especially since the FTMM took effect Feb. 1, 2021.
8. I have flown two times during the COVID-19 pandemic since it was declared by the World Health Organization in March 2020 but before the individual airlines and the Federal Defendants mandated mask policies.
9. Were it not for the illegal FTMM and individual airlines' discriminatory mask policies, I would be traveling on about 1-2 more flights this year.
10. I was denied the ability to fly by Southwest Airlines from Portland, Maine, to Birmingham, Alabama, on Aug. 25, 2020, solely because I cannot wear a face covering.
11. I have a substantial interest in the FTMM at issue in this suit. I am a frequent flyer, subject to Defendant TSA's enforcement policies about 1-2 times per year.
12. I do not currently have any future flights booked because I cannot fly until the FTMM and airline mask policies are struck down or repealed, and I am at risk of losing my flyer miles and cash payments with Southwest.
13. Although I had been told on the flights I took in June from Portland to Iowa that I would not have to wear a mask, a flight attendant harassed me because I did not have a mask. The head attendant corrected the situation, but it still caused me anxiety as to how the rest of my flights would be.

14. Due to the continued discrimination by the airlines, in December I had to drive 3,500 miles in a two-week period. Not only was this hard on me physically, but it caused my wife extreme health dangers during and after the trip.

15. She remained ill from January to May and is still having complications. My daughter has been unable to work because she has been caring for my wife. Had we been able to fly, my wife and I would not have suffered health issues caused by the long days of driving.

Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 26, 2021.

/s/ Jared Rarrick

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LUCAS WALL,**

Plaintiff,

v.

**CENTERS FOR DISEASE  
CONTROL & PREVENTION *et. al.***

Defendants.

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:  
: Case No. 6:21-cv-975-PGB-DCI  
:  
: District Judge Paul Byron  
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: Magistrate Judge Daniel Irick  
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**DECLARATION OF JENNIFER RARRICK**

I, Jennifer Rarrick, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 36 Lafayette St., Saco, ME 04072.
4. I make this declaration based on my personal knowledge and to explain the impact of the Federal Transportation Mask Mandate (“FTMM”) on my freedom to travel and other legal rights.
5. I fly every three months or more domestically and internationally.
6. Due to my migraines, I cannot tolerate wearing a face mask. Covering my nose and mouth causes me not only to lose oxygen, but also causes me to breathe in carbon dioxide and bacteria that I would normally breathe out.