

Within five minutes, I have a headache, and within 15 minutes, I develop a migraine.

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 airlines individually mandated masks and the FTMM took effect Feb. 1, 2021.
8. I flew three times during the COVID-19 pandemic since it was declared by the World Health Organization in March 2020, but before the airlines or 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 3-5 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, and a return date, solely because I can't wear a face covering.
11. I also have money tied up in Delta Airlines tickets, and Delta also will not allow me to fly unless I mask. I have corresponded with both airlines multiple times regarding flying without a mask.
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 3-5 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have any future flights booked because I won't fly until the FTMM and airline mask policies are struck down or repealed, and I am in

jeopardy of losing not only cash payments made for tickets, but also my frequent-flyer miles.

14. My parents and I flew to Iowa in June 2020. Although we were told at that time due to medical reasons we did not need to mask, we were harassed by a Southwest flight attendant about not masking. The head attendant corrected the issue.
15. When we booked the tickets for the August 2020 flight from Portland to Birmingham, we asked the airlines if we would have to mask since we don't wear them for health reasons. We were told on the day we booked that we would not have to wear masks. Then just before flying, we saw newsreels that reported airlines were removing unmasked passengers and placing them on a no-fly list. We called Southwest, and they told us that we would have to mask.
16. None of the airlines will refund money even though they are discriminating against people with health issues. They keep telling us we have to book a ticket or lose the money and/or point. We have been forced to cancel the flights and trips as a result.
17. We had also planned to fly in late December 2020 for a vacation. Because the airlines would not allow us to fly without masking, we had to drive the 3,500-mile roundtrip. My mother, who already has major health issues, developed other health problems due to not having enough time to rest between driving periods.

18. She was then ill from January until May and is still dealing with some of the complications. I have been caring for her and thus I have 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/ Jennifer Rarrick



me of attempted rape and molestation. It puts me into a state of fear no one should be forced to endure.

7. Wearing a mask makes it hard to breathe, which makes me light-headed. It's difficult to think. It makes hot and sweaty as it's uncomfortable. As I struggle for each breath, I feel like I'm breathing in toxic air and get weaker and weaker. It makes me fear I would pass out right in front of my child, which put me in more fear.
8. Being forced to cover my face makes me feel every emotion, almost all that there are. I feel in danger, angry, ashamed, and embarrassed.
9. I'm afraid of those around me who are wearing masks as I cannot see their intent on their faces. I felt discriminated against when I go out maskless. I felt harmed and in dismay. People would start arguments or shoot dirty looks that not only made me uncomfortable, it caused me to actually have to move more than once because I was feeling very unsafe.
10. I felt every emotion from a petrified state of mind to straight depression and anger. I felt concerned at all times. I was in a constant state of fear!
11. Being forced to watch my daughter be mistreated over masks and forced to wear one with her asthma and other medical conditions affecting her ability to breathe as strongly as others had me in constant worry for her breathing let alone her state of mind.

12. I felt as though my AUTHORITY as a MOTHER was STRIPPED from me! I was in a constant state of fear for my child's well-being and safety. I felt like we were being tortured or were in a prison we could not escape.
13. I was waiting and watching every man around I could eye up because was he going to be the next person who gets away with a sexual attack because the victim cannot describe the attacker's face. Walking with a young child, the fears were real.
14. I have also been in fear of being robbed while surrounded with all these masked people and not being able to describe the person who did it.
15. While in the bathroom, I had to fear people who went near my child who were wearing masks. Being followed into the bathroom by a masked person is very frightening.
16. Mask mandates put people like me in a constant state of fear. They need to be abolished for our safety, not to mention state of mind.
17. Delta Air Lines and all involved literally put my life at risk over masks and the ability to abuse people over them during my flight Aug, 1, 2020.
18. I was discriminated against and held against my will along with my child because of our inability to wear a mask.
19. Were it not for the illegal FTMM and airlines' discriminatory mask policies, I would be traveling on about 3 more flights this year.

20. 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. I will need counseling before I can fly again.
21. During the August trip with Delta from Florida to Wisconsin, we were refused the right to apply for a medical exemption and were constantly threatened with loss of our ability to fly. We went to many people and areas within the airport to beg for help, all to fall on deaf ears.
22. The law would not intervene even when we were being threatened. We were bullied and followed. It escalated, getting much worse after we obtained evidence of a Delta employee not wearing a mask as she chatted with other staff in the airport in front of everyone while she held a drink, rarely ever sipping from it.
23. At no time while chatting did she wear a mask. After the pilot saw us take evidence and overheard us talking of suing for discrimination, we were pulled from line and held against our will, being told we were going to be forced into a COVID test.
24. My child and I were mentally abused for hours because of this illegal mask policy. My child suffers from serious injuries and has brain trauma. We were held against our will by Delta Air Lines just because we can't wear masks. Delta has gone as far as to tell me not to call them again about human-rights violations, disability discrimination complaints, or child abuse.

25. Delta has not been forthcoming with information I needed to file complaints against them for their illegal discrimination. At one point, Delta employees told us if we even took our masks off for a sip of water, we would be banned from flying Delta for the rest of our lives.
26. They also told me I could not use my phone or camera; this was because I had taken video of their staff not wearing a mask.
27. As I struggled to breathe, I watched a man with a scarf, which Delta would not allow me to wear but it was fine for other passengers.
28. Masks are leading to child abuse, disability discrimination, and unacceptable human-rights violations.
29. The Delta pilot was not wearing a mask when I exited the plane in Milwaukee, Wisconsin, as he smirked at me when I demanded an apology for his abuse upon us.
30. The airlines absolutely need to be investigated for abusing their passengers who can't wear masks. I've complained to the Department of Transportation, but it has asked me to provide information I can't possibly obtain, so it seems to me this is not being taken seriously.

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/ Tina Marie Lemens



**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 MICHAEL JAMES FARIS**

I, Michael James Faris, 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 160 Charlotte Cir, Elizabethtown, KY 42701.
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. Due to the nature of my work in aerial wildland firefighting, I fly every 12 days.
6. Due to my Generalized Anxiety Disorder, I can’t tolerate wearing a face mask for the duration of travel. Covering my nose and mouth has led to severe panic attacks and syncope.

7. I have flown approximately 30 times during the COVID-19 pandemic 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 5 more flights this year.
9. I was denied the ability to fly by the Federal Defendants and American Airlines from SDF (Louisville, Kentucky) to ONT (Ontario, California) on June 8, 2021, solely because I can't wear a face covering.
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 30 times per year.
11. My next booked flight is July 2, 2021, on American Airlines from SDF to ONT for business.
12. When American Airlines adopted its discriminatory mask requirement last year, I had boarded a flight in which I was not warned or informed that I would be required to wear a mask. After boarding the aircraft, a flight attendant informed me that I must wear a mask. She explained this was due to a company policy that was scheduled to go into effect two days after said booked flight.
13. I explained to her that I could not wear one due to the possibility of me experiencing a panic attack or losing consciousness. She said if I did not wear one, I would be removed from the flight. I voluntarily deplaned to avoid any

further confrontation. I then had to drive 13 hours from Dallas, Texas, back home to Elizabethtown, Kentucky, to be with my family as my wife was in the middle of an ectopic pregnancy.

14. In another incident involving American Airlines, I had bought a specific mask called a Beard Tarp to help me comply with the mask policy. At this time, I had not been able to schedule an appointment with my physician for a mask exemption. It was one I was somewhat comfortable in and could wear for short periods of time.
15. I boarded the flight with said mask and per their policy, removed it to eat and drink. About two minutes into eating snacks and drinking the Coke the airline gave me, the flight attendant began to visit my seat frequently enough to make me uncomfortable.
16. I removed my headphones and confronted her for staring at me and standing near my seat for odd periods of times. She informed me that I must put my mask on immediately. I explained to her that I was following the policy and wasn't wearing it because I was eating and drinking. This went back and forth several times until she finally stopped.
17. When I landed in DFW on this flight from SDF, I had been informed by an American Airlines manager that I would not be allowed to continue to my connecting flight as I was not abiding by their mask policy. I had to drive 8 hours to get to work, where I had to immediately fix a helicopter.

18. Had I been able to continue on that connecting flight, I could have gotten adequate rest, which I did not receive because of the airline's discriminatory mask policy. The airline did not care to speak to me about the situation and simply took the word of the flight attendant and refused me service for a ticket I had already bought.
19. In yet another incident involving American Airlines, I had attempted to board a regularly scheduled flight from DFW to SDF with the same Beard Tarp mask mentioned above. The flight attendant told me that the face covering was not good enough and did not comply with their policy because it must be tucked below my chin.
20. I explained to her that I had boarded many flights with this particular face covering and she proceeded to tell me that I could not have. She said the airline would not accept the face covering and called me a liar several times. She handed me a blue surgical mask and said I must wear it or be removed from the flight.
21. I explained to her that due to my facial hair (beard), which extends below my chin by six inches, there is not a way for me to wear that surgical mask and provide adequate protection to myself or others. She did not care and reiterated that it must be that mask or else.
22. In this instance, I was able to rebook the same exact flight at a later time and board with the very same mask I was denied service for previously. This

situation put me home several hours late, which caused me to miss an event that my son was having at school.

23. As of April 24, 2021, I have submitted documentation to both American Airlines and United Airlines showing proof from my physician that wearing a mask is detrimental to my health. I have provided them with negative COVID-19 tests each time in conjunction with my physician's letter.
24. Neither airline has accepted the fact that I have this disability and have both illegally denied me service because of it.
25. Of the five times I have filed this paperwork with American Airlines, it has only provided me with two written denials. In accordance with 14 CFR Part 382, the airline is required to provide me the written refusal within 10 days. They have failed to do so on three other occasions.
26. Altogether, I have filed 8 DOT complaints against American and United. I have not had any response from the Department of Transportation.
27. When the airlines have refused me service, they simply say that I do not qualify to be exempt from wearing a mask on board their aircraft. However, when I am in airports, I have not been harassed for not wearing a muzzle. I've been allowed to walk about the terminals by just declaring and showing that I have the medical exemption.
28. Furthermore, in accordance with 14 CFR Part 382, if the airline is to refuse a passenger service in connection with a disability, they must prove that it is due to a safety concern and that a slight deviation of policy wouldn't

mitigate the act of denial of service. They cannot prove that I am of a safety concern as I have provided them with documentation proving that I do not have a communicable disease.

29. In reality, the actual safety concern exists by them forcing me to wear a mask as it leads to severe panic attacks and syncope. Either of these situations could occur without notice and could put myself and other passengers at risk to harm.

30. I am disgusted and absolutely disappointed in the way the airlines have treated me as a passenger with a disability. As a 15-year veteran of the aviation workforce, this is the first time I have experienced such a lack of integrity in this entire industry. It is sickening and makes me embarrassed to admit that I spent four of those years producing a perfect product for the same company that is now trampling on my civil liberties and constitutional rights.

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 28, 2021.

/s/ Michael James Faris

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Exhibit

STATE MASK MANDATES  
DURING COVID-19 PANDEMIC

## State Mask Mandates During COVID-19 Pandemic

Data updated through July 1, 2021

<u>STATE</u>	<u>MASK MANDATE</u>	<u>REPEALED</u>	<u>NOTES</u>
Alabama	Yes	4/9/2021	
Alaska	No	N/A	
Arizona	Yes	3/25/2021	Local mandates prohibited by EO
Arkansas	Yes	3/31/2021	Local mandates prohibited by new law
California	Yes	In Effect	Applies only to unvaccinated
Colorado	Yes	5/14/2021	
Connecticut	Yes	In Effect	Applies only to unvaccinated
Delaware	Yes	5/21/2021	
District of Columbia	Yes	In Effect	Applies only to unvaccinated
Florida	No	N/A	Local mandates prohibited by EO
Georgia	No	N/A	
<b>Hawaii</b>	<b>Yes</b>	<b>In Effect</b>	<b>Applies indoors only</b>
Idaho	No	N/A	
Illinois	Yes	In Effect	Applies only to unvaccinated
Indiana	Yes	4/6/2021	
Iowa	Yes	2/7/2021	Local mandates prohibited by new law
Kansas	Yes	4/1/2021	Repealed by legislature; counties could opt out when in effect
Kentucky	Yes	6/11/2021	
Louisiana	Yes	4/28/2021	
Maine	Yes	5/24/2021	
Maryland	Yes	5/15/2021	
Massachusetts	Yes	5/29/2021	
Michigan	Yes	6/22/2021	
Minnesota	Yes	5/14/2021	
Mississippi	Yes	3/3/2021	
Missouri	No	N/A	
Montana	Yes	2/12/2021	Local mandates prohibited by new law
Nebraska	No	N/A	
Nevada	Yes	In Effect	Applies only to unvaccinated
New Hampshire	Yes	4/16/2021	
New Jersey	Yes	5/28/2021	
New Mexico	Yes	In Effect	Applies only to unvaccinated
New York	Yes	In Effect	Applies only to unvaccinated
North Carolina	Yes	5/14/2021	
North Dakota	Yes	1/18/2021	
Ohio	Yes	6/2/2021	
Oklahoma	No	N/A	School mask mandates restricted by new law
Oregon	Yes	6/30/2021	
Pennsylvania	Yes	6/28/2021	
Rhode Island	Yes	In Effect	Applies only to unvaccinated
South Carolina	No	N/A	Local mandates prohibited by EO
South Dakota	No	N/A	
Tennessee	No	N/A	Local mandates prohibited by EO
Texas	Yes	3/10/2021	Local mandates prohibited by EO
Utah	Yes	4/10/2021	Repealed by legislature
Vermont	Yes	In Effect	Applies only to unvaccinated; ends when 80% vaccinated
Virginia	Yes	5/28/2021	
Washington	Yes	In Effect	Applies only to unvaccinated



West Virginia	Yes	6/20/2021	
Wisconsin	Yes	3/31/2021	Struck down by Wisconsin Supreme Court
Wyoming	Yes	3/16/2021	

Source: [www.aarp.org/health/healthy-living/info-2020/states-mask-mandates-coronavirus.html](http://www.aarp.org/health/healthy-living/info-2020/states-mask-mandates-coronavirus.html)

Chart by: Lucas Wall

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Exhibit

**SUPREME COURT RULING SHOWS WHY  
AIRLINE MASK MANDATE IS ILLEGAL**

**PUBLISHED JULY 3, 2021, ON THE  
VIEW FROM THE WING BLOG**

## Supreme Court Ruling Shows Why Airline Mask Mandate Is Illegal - View from the Wing

*About Gary Leff*

3-4 minutes

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The Supreme Court refused to overturn the CDC's eviction moratorium, even though a majority of justices believe that it is illegal. And the same reasons 5 justices believe the eviction moratorium is beyond the CDC's authority apply to the federal transportation mask mandate as well.

- The CDC eviction order was upheld 5-4.
- The 5th vote to uphold it came from Brett Kavanaugh who wrote that he only upheld it because it expires in July anyway and the CDC says it won't be extended.
- And leaving it in place leads to a more orderly wind down, consistent with other policies like rental assistance.
- But there won't be 5 votes to uphold it if it were extended again.

The CDC's orders, which forms the basis for the TSA's transportation mask mandate, suffers from the same legal defect as the eviction moratorium.

Specifically,

- The mask mandate, like the eviction moratorium, is a power not mentioned in any statute nor substantially similar to a power mentioned in statute.
- And even if Congress meant to give the CDC broader powers than mentioned in law, that would be an unconstitutional delegation of its power.

The CDC relies on its power in 42 USC 264(a) to "make and enforce such regulations..necessary to prevent the introduction, transmission, or spread of

communicable diseases from foreign countries into the States or possessions, or from one State or possession into any other State or possession.”

That sounds pretty broad. And if they could do *anything* to prevent transmission and spread that would be unconstitutionally broad. However the statute specifies examples of what may be required: “inspection, fumigation, disinfection, sanitation, pest extermination, destruction of animals or articles found to be so infected or contaminated as to be sources of dangerous infection to human beings, and other measures, as in his judgment may be necessary.”

Congress’ giving examples of what the CDC may do is limiting. The ‘other measures’ that ‘may be necessary’ must be similar in kind to those listed.

Either the CDC’s authority is limited and it hasn’t been granted the power to require masks on planes, or its power isn’t limited and the grant of power is unconstitutional. Either way the law doesn’t support the CDC’s action. And the Supreme Court agreed with this exact take in reviewing the CDC eviction ban.

Airlines of course required masking before the government order went into effect. Their rules were both tighter (no medical exceptions at United, American, Southwest, JetBlue) and more flexible (exemption with medical consult and for young children at Delta). If you think a mask mandate is good policy, remember that there was one before the federal government got involved with this 5 months ago.

With enough vaccine in the U.S. for anyone 12 or older who wants one, reduced spread, and an indoor environment safer than bars where masks are no longer mandatory, in addition to likely being illegal the federal requirement no longer makes sense.

