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OFFICE OF HEARINGS
U.S. DEPARTMENT OF TRANSPORTATION

In the Matter of:)
JOHN NUNEZ) Docket No. G13-23-021
Respondent) Case No. 2021SW210109

TRIAL VIA ZOOM VIDEOCONFERENCE

Tuesday, October 8, 2024
9:00 a.m. Eastern
The Honorable Douglas M. Rawald
U.S. Administrative Law Judge

Reported by: Melissa Dunn, CVR

Trial

John Nunez

10/8/2024

1 APPEARANCES:

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7	Sanchez:	48	63	-	78	-
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1 P R O C E E D I N G S

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3 (Proceeding called to order, 9:00 a.m.)

4 JUDGE RAWALD: Good morning. I'm Administrative
5 Law Judge Doug Rawald. Today's date is October 8th, 2024.
6 This is a virtual hearing of the civil penalty case for
7 John Nunez, Docket No. G13-23-021.

8 I want to remind everyone as a courtesy to help
9 reduce the amount of background noise, I ask that
10 participants mute their microphone when they're not
11 speaking. Also, please keep in mind that while people
12 sometimes become more casual in a virtual environment,
13 this is a hearing and we're supposed to act as if we're
14 in a courtroom even though we're not physically in one.
15 And I ask everyone to act professionally and courteous as
16 if we actually were together in a room today.

17 Government Counsel, if you could please state your
18 name for the record.

19 MS. VILLIERS: Good morning, Your Honor. Kimberly
20 Villiers. Last name --

21 JUDGE RAWALD: Okay -- sorry. Ms. Villiers, I see
22 you're joined today by Mr. Moon. Is he also here as a
23 technical representative for you?

24 MS. VILLIERS: He is. He's our Aviation Safety
25 Investigator.

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1 JUDGE RAWALD: Okay.

2 And Mr. Nunez, just so you know, I'll allow Mr.
3 Moon to stay here to give advice to Ms. Villiers as is
4 allowed in the rules of these proceedings.

5 So, Mr. Moon, if you could please state your full
6 name for the record.

7 MR. MOON: Morning, sir. Ronny Moon.

8 JUDGE RAWALD: Okay. Thank you.

9 And Mr. Nunez, if you could please state your name
10 for the record.

11 MR. NUNEZ: My name is John Nunez, I am the
12 Respondent.

13 JUDGE RAWALD: Thank you very much. Let's turn to
14 the exhibits. Before the hearing, the Complainant
15 submitted Exhibits C-1 through C-17 for me to consider.
16 I have reviewed all the material and had difficulty
17 understanding the relevance of C-2 or C-10.

18 Ms. Villiers, can you explain to me what the
19 relevance is of those documents?

20 MS. VILLIERS: Your Honor, well, C-2 is just the,
21 I guess the, kind of, transmittal sheet when American
22 Airlines sent their package. It's really just the cover
23 sheet of the package.

24 JUDGE RAWALD: I don't think it has any relevance
25 to my decision making in this case. It may have helped Mr.

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1 Moon in assembling the file, but I don't think it has
2 anything to do with what I'm looking at, so I'm not going
3 to admit it.

4 MS. VILLIERS: Understood, Your Honor.

5 JUDGE RAWALD: Okay. And what about C-10?

6 MS. VILLIERS: And the second one you mentioned is
7 C-10. Your Honor, it shows, one, the amount of
8 passengers that was on that flight for that particular
9 day. It also shows where one of the passenger witnesses,
10 Ms. Habib, was seated.

11 JUDGE RAWALD: Okay.

12 MS. VILLIERS: So, just that documentary evidence.

13 JUDGE RAWALD: Okay. So, the sole purpose of
14 those two things. Okay. I'll allow for those reasons,
15 pending any objection from Mr. Nunez.

16 Mr. Nunez, what objections, if any, do you have to
17 documents C-1 and C-3 through C-17?

18 MR. NUNEZ: I don't have any, Your Honor. Thank
19 you.

20 JUDGE RAWALD: Okay. There being no objection,
21 I'll be admitting C-1 and C-3 through C-17.

22 Let's turn then to Mr. Nunez's exhibits. So, I'll
23 note the Respondent did not submit any documents by the
24 September 9th, 2024, deadline set in the order finalizing
25 litigation schedule. During a prehearing conference on

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1 October 20th, 2024, the Respondent, Mr. Nunez, stated he
2 had previously submitted some documents for
3 consideration. With this in mind, I asked the Respondent
4 to -- before the end of the day, September 30th, 2024, to
5 submit those documents.

6 The Respondent didn't submit any documents that
7 day, but on October 1st, 2024, the Respondent did provide an
8 email with a number of unnumbered and mislabeled PDF
9 files. My staff and I went through those documents,
10 tried to figure out what was what, and then my staff had
11 to correspond with Mr. Nunez over the following days to
12 figure out what documents he wanted to have admitted.

13 At this point, what I have in my file is documents
14 that are labeled R-1A, R-1B, R-1C, R-2A, R-2B, R-3A,
15 R-3B, R-3C, R-3D, R-4A, R-5A, R-6A, R-6B, and R-7. I'll
16 note that in reviewing those documents, R-7 seems to be
17 the Respondent's witness and exhibit list, which is a
18 filing in this case. Because it's not an actual exhibit,
19 I won't consider it an exhibit. R-2A is the exact same
20 as C-16, which has already been admitted, so I won't
21 separately admit that.

22 MR. NUNEZ: Your Honor?

23 JUDGE RAWALD: Yes, Mr. Nunez?

24 MR. NUNEZ: Oh, I'm sorry. I'm sorry. Go ahead.

25 JUDGE RAWALD: Exhibit 6A is a complete copy of

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1 the regulations found at 14 CFR Part 382. It is a 66-page
2 document that is publicly available law, and as such,
3 will not be admitted as an exhibit. I will review the
4 law, and I will refer to it in my decision if I believe
5 it to be relevant, I just don't need to admit it as a
6 document, because it is law and it's on the books.

7 Similarly, Exhibit 3B is a copy of the regulations
8 found at 49 CFR Section 41705. For the same reason, I'm not
9 going to admit it as a document. I will review that law,
10 if I believe it to be relevant to my decision, I will
11 cite it in my decision. I just want to make sure that
12 I'm not going to put it in the record, because it would
13 not need to be in the record in this case.

14 Finally, I'll note that Exhibit R-1A contains
15 personally identifiable information, namely Mr. Nunez's
16 credit card information that could be misused if publicly
17 available. I therefore will seal that document and will
18 not allow it to be viewed by the public. I'll also issue
19 an order in writing to make sure that we treat that
20 carefully. I don't want that to be actually released
21 accidentally to the public, and so I want to keep very
22 careful care of that document.

23 I'll further note that on October 7th, the
24 Complainant submitted a notice that the Exhibits R-1C,
25 R-2B, R-3B, and R-3C were not produced in the course of

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1 discovery, and so objected to their admission. In
2 looking at that objection, I consider the fact that in a
3 prehearing conference back in January 4th, 2024, I
4 ordered that all discovery be submitted and exchanged by
5 April 30th, 2024. At the Complainant's request, I
6 extended that deadline to May 30th, 2024, to give the
7 Respondent more time to respond to the Complainant's
8 discovery request.

9 This material was still not produced in that time
10 frame, and there's simply no justification for admitting
11 this previously unproduced material. So, pursuant to the
12 rules found at 14 CFR, Section 13.220(n)(3) I will not
13 admit these documents. So, Exhibits R-1C, R-2B, R-3B,
14 and R-3C will not be admitted because they were not
15 produced in the course of discovery and were only
16 disclosed to opposing counsel the week before trial, well
17 after the deadline to submit evidence for this hearing.

18 Ms. Villiers, any objection to my considering as
19 evidence R-1A, R-1B, R-3A, R-3D, R-4A, or R-5A?

20 MS. VILLIERS: We do not, Your Honor. I do have
21 something to note about the Complainant's Exhibits.

22 JUDGE RAWALD: Okay. Well, first, I will note
23 that I will be admitting exhibits R-1A, R-1B, R-3A, R-3D,
24 R-4A, or R-5A.

25 (Respondent's Exhibits Nos. R-1A, R-1B, R-3A,

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1 R-3D, R-4A, and R-5A were admitted into evidence.)

2 JUDGE RAWALD: Now, Mr. Nunez had something he
3 wanted to say while I was talking before, so let me go to
4 him first before I go to Ms. Villiers.

5 Mr. Nunez?

6 MR. NUNEZ: I'm sorry for interrupting, first and
7 foremost.

8 JUDGE RAWALD: That's okay.

9 MR. NUNEZ: My question was, I had a compression
10 issue. I had sent the email when you told us to have the
11 documents submitted by the end of the day. I had a
12 compression issue, which I explained. I had to reduce
13 the size of the video, so the email -- in complying with
14 the Court's request to have the documents in on time by a
15 certain time. And I explained that to them, that I had
16 to reduce the video because of the size file. And that's
17 why the requested documents weren't in on time. But I
18 immediately, when I noticed that the file was in the
19 inbox, I cut the file so I could accommodate the email.

20 JUDGE RAWALD: I understand, sir. And we're past
21 the point now of worrying about that. We are -- we are --
22 we have the documents that we have. I have the video I
23 think you really wanted to have for some response back
24 and forth about what video is, so I think we're all clear
25 on there.

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1 MR. NUNEZ: Okay.

2 JUDGE RAWALD: Okay. Ms. Villiers, what do you
3 want to have to say to me about the correspondence?

4 MS. VILLIERS: Your Honor, particularly our
5 exhibits C-7, C-8, and C-13, we're not requesting that they
6 be admitted at this time because those witnesses are
7 expected to testify.

8 JUDGE RAWALD: I already admitted them. So,
9 you're withdrawing your request to have them admitted?

10 MS. VILLIERS: At this time, C-7, C-8, and C-13.
11 Go ahead, Your Honor. I'm sorry.

12 JUDGE RAWALD: So, at this time. Are you saying
13 you're going to go back to them later?

14 MS. VILLIERS: Possibly. Possibly. But Ms.
15 Sanchez, Ms. Quiroz, they are here to testify. C-13, we
16 may seek to admit that at a later time, just depending on
17 how the case kind of develops, if that makes sense, Your
18 Honor. But at this time, we're not requesting that C-7,
19 C-8, and C-13 be admitted.

20 JUDGE RAWALD: Okay. Then I will admit Exhibits
21 C-1, C-3 through C-6, C-9 through C-12, and C-14 through
22 C-17, noting that by the time you close your case, you
23 have to decide what you want to do with the other three
24 exhibits. So, okay.

25 (Complainant's Exhibits Nos. C-1, C-3 - C-6,

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1 C-9 - C12, and C-14 - C-17 were admitted into evidence.)

2 MS. VILLIERS: That's understood, Your Honor.

3 Thank you.

4 JUDGE RAWALD: Okay. So, let's turn to now the
5 opening statements.

6 Anything to say in opening, Ms. Villiers?

7 MS. VILLIERS: The Complainant has an opening
8 statement, Your Honor.

9 JUDGE RAWALD: Okay.

10 MS. VILLIERS: So, of course, the Complainant in
11 this case is the Federal Aviation Administration, and we
12 seek to affirm the assessment of a civil penalty of
13 \$10,500 against the Respondent, John Nunez.

14 In this case, Your Honor, we will demonstrate by
15 preponderance of evidence that John Nunez interfered with
16 crew members' duties aboard an aircraft being operated on
17 the 14 CFR Part 121 in violation of Section 121.580, the
18 Interference Rule. In doing so, Your Honor, you will
19 hear from four witnesses that the FAA will call in its
20 case-in-chief. The FAA will call Flight Attendants Maria
21 Quiroz and Ana Maria Sanchez. Also, a passenger that was
22 on that flight, Rebecca Habib, along with our FAA
23 Aviation Safety Inspector, Ronny Moon.

24 The Respondent has admitted in his answer that he
25 was a passenger aboard that Flight 1124 from

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1 Barranquilla, Colombia, to Miami, Florida, on June 3rd,
2 2022. You will hear from ASI Ronny Moon -- that's
3 Inspector Ronny Moon -- that Flight 1124 was a commercial
4 flight operated under Part 121 of the Federal Aviation
5 Regulations and carried over 100 passengers.

6 The evidence tendered here today will also show
7 that during that flight, Respondent became upset and created
8 a disturbance over two particular issues. First, he was
9 seated in seat 17C, the main cabin, and wanted to use the
10 business class lavatory located at the front of the
11 aircraft. However, the Respondent was instead directed
12 by a Flight Attendant to the lavatory serving the main
13 cabin. After this occurred, Respondent became upset,
14 argumentative, and aggressive with the Flight Attendants
15 onboard the aircraft.

16 Evidence would also be offered that he continued
17 to be aggressive with crew members because he ordered a
18 drink with alcohol, which upon making their assessment,
19 the cabin crew declined to serve him the beverage. You
20 will also hear from a Flight Attendant that Respondent
21 approached the Flight Attendants at the back of the
22 aircraft and began yelling at them, terrifying the cabin
23 crew, and continued to do so. As a result, it was
24 reported to the Captain, and he initiated a Level 2 threat
25 and diverted the flight back to Barranquilla, Colombia,

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1 instead of continuing to its scheduled destination in
2 Miami, even though the aircraft at that time had traveled
3 a substantial distance towards Miami.

4 Your Honor, you will also hear from a passenger on
5 the flight, Ms. Rebecca Habib, who will testify to what
6 she observed about the Respondent. Finally, you will
7 hear from the FAA's Aviation Safety Inspector, or ASFI,
8 about his investigation and collection of the evidence
9 regarding this incident. Testimony will show that as
10 crew members attempted to perform their duties,
11 Respondent's conduct displaced their attention, requiring
12 them to address his disruptive behavior and interfered
13 with the performance of those duties onboard the
14 aircraft.

15 With that being said, the evidence will show, Your
16 Honor, that the civil penalty of \$10,500 is appropriate
17 under these circumstances, taking into account the
18 aggravating factors. Based on the testimony that you
19 will hear today, and the evidence that is admitted to the
20 record, the Complainant will ask that you find that the
21 Respondent, one, violated 14 CFR Section 121.580, the
22 Interference Rule, and also request that an order be
23 entered assessing a civil penalty of \$10,500. Thank you,
24 Your Honor.

25 JUDGE RAWALD: Okay. Mr. Nunez, do you have an

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1 argument?

2 MR. NUNEZ: Yes, Your Honor. Before, I didn't get
3 a chance to finish my thought before I got to it. I had a
4 question for you regarding cross-examination. I know
5 you're going to ask the questions for me to the
6 witnesses, but how do I redirect my questions if I have
7 to engage the witness some more? I don't know.

8 JUDGE RAWALD: Right, this is my plan, Mr. Nunez.
9 I'm going to go through the questions I have from you,
10 and as I go through them, I will rule on them. So, some
11 of them will not be allowed for various reasons, because
12 they may be argumentative or they may be not relevant or
13 they may not be allowed because of testimony. So, I will
14 issue any rulings at that time as well.

15 I will also, at the time that I go through them,
16 provide a copy to the record, which will go into the docket
17 for the case and will also go to Ms. Villiers. She has not
18 seen them yet, but she will get them before the case is
19 over, because that's what she's entitled to. But she
20 doesn't have them now, because I don't want her to have
21 advanced preparation on what you're going to ask her.

22 Once I've asked the witnesses questions, we will
23 put the witness in a waiting room, and I will ask you, do
24 you have anything else you wish to ask. We will then
25 discuss those questions, and I will then bring the witness

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1 back in, and I will ask anything I deem to be relevant at
2 that point, based on what you have, that you want to be
3 asked.

4 MR. NUNEZ: One last question, Your Honor.

5 JUDGE RAWALD: Yes?

6 MR. NUNEZ: Am I allowed to question Mr. Moon?

7 JUDGE RAWALD: Yes. Mr. Moon, is a fair game.

8 You have not offered to sue him, so he is fair game for you
9 to question.

10 MR. NUNEZ: No worries. Thank you, Your Honor.
11 I'll proceed with my opening statement.

12 JUDGE RAWALD: Okay. Okay. Thank you.

13 MR. NUNEZ: Your Honor, members of the Court,
14 thank you for allowing me the opportunity to speak today.
15 The events of June 3rd aboard American Airlines flight 1124
16 not have only been a source of profound stress for me,
17 but also have deeply affected my family, especially my
18 seven-year-old son, Shay.

19 I've been a loyal American Airlines passenger my
20 whole life. My father worked for the airlines for 33
21 years, instilling in me respect for this company that has
22 been central to our lives. Over the years, I've flown
23 more than 121,000 miles without incident, primarily to
24 visit my son in Barranquilla, whom I love and am
25 dedicated to him as a father. Excuse me.

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1 On that day, I was struggling with an ongoing
2 medical condition, which I'm still suffering from today,
3 specifically kidney stones and an enlarged prostate.
4 This condition causes me pain and requires me to use the
5 restroom frequently. I asked for simple access to the
6 laboratory, but the situation escalated. When I was
7 accused of being intoxicated, I immediately requested a
8 breathalyzer test, which was conducted by my witness,
9 Major Diego Pined, of the Colombian National Police.
10 While the actual results aren't in hand, Maj. Pineda's
11 attestation confirms that I was not intoxicated.

12 Furthermore, it is important to highlight that
13 Captain Jaffe, who was in charge of the flight that day,
14 is not present to testify. His absence speaks volumes,
15 especially given that his direct testimony could have
16 provided clarity on whether I was truly a disruptive
17 passenger. Instead, much of the weight has been placed
18 on the testimony of Ms. Habib, who I believe has shown
19 bias in her account of the events. Her statements have
20 exaggerated the situation, further inflaming the
21 narrative against me. I intend to raise these concerns
22 of potential bias, as Ms. Habib was not directly involved
23 in the interaction but has positioned herself as a key
24 witness.

25 Unfortunately, this incident just didn't end with

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1 me. The video of my deplaning went viral. My son has
2 been bullied at school because of it. The nature of this
3 situation has caused immense emotional stress for me and
4 my family. I cooperated fully with the authorities and
5 deplaned without incident, yet I am now banned from
6 flying with an airline that I have been loyal to for
7 decades. This has taken away my ability to regularly
8 visit my son and perform my duties as a father. I stand
9 here today seeking fairness.

10 I acknowledge the seriousness of the situation,
11 but I ask the Court to consider the facts. I did not
12 interfere with the duties of the flight, I was not
13 intoxicated, and the situation escalated unnecessarily
14 due to the action of certain employees. I hope today can
15 bring clarity and help restore my ability to be a father
16 to my son's needs. Thank you, Your Honor.

17 JUDGE RAWALD: Thank you. Okay. And just so it's
18 clear, Mr. Nunez, anything I decide in this case, my
19 initial decision, will not be directive to American
20 Airlines. My decision is only limited to the question of
21 civil penalty. There may be some sort of cascading
22 effect that will impact your ability to fly with American
23 Airlines, but I do not have any actual influence or any
24 ability to order them to do anything. So, just so it's
25 very clear.

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1 Okay. Let's turn to the case-in-chief for the
2 Agency Counsel, then.

3 So, can you please call your first witness, Ms.
4 Villiers?

5 MS. VILLIERS: Your Honor, we would like to call
6 Ms. Maria Quiroz.

7 JUDGE RAWALD: Okay. Ms. Booker, if you could
8 please allow Ms. Maria Quiroz into the waiting room --
9 from the waiting room.

10 Ms. Quiroz, I see you have joined us, so please
11 raise your right hand.
12 Whereupon,

13 MARIA QUIROZ
14 a witness, called for examination, having first been duly
15 sworn, was examined and testified as follows:

16 JUDGE RAWALD: Ms. Villiers, your witness.

17 MS. VILLIERS: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MS.VILLIERS:

20 Q. Good morning, Ms. Quiroz.

21 A. Good morning.

22 Q. Can you please state your full name for the
23 record?

24 A. Maria Quiroz.

25 Q. And Ms. Quiroz, who is your current employer?

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1 A. American Airlines.

2 Q. And how long have you been employed with
3 American Airlines?

4 A. Eight years and ten months.

5 Q. And what is your position at American Airlines?

6 A. I'm a flight attendant.

7 Q. Okay. And how long have you been in that
8 position?

9 A. Eight years and ten months.

10 Q. And Ms. Quiroz, what are your responsibilities as
11 a flight attendant?

12 A. Assist customers as they need, operating
13 equipment, demonstrate safety equipment, respond to an
14 emergency, if it's medical, provide first aid or assist
15 with evacuation, also monitor for suspicious behavior,
16 de-escalate disruptive situations, secure all the cabin,
17 and ensure that everyone follows the security
18 regulations.

19 Q. Thank you. And have you ever testified in a
20 court proceeding before today?

21 A. No, this is my first time.

22 Q. And are you familiar with the Respondent, John
23 Nunez, in this matter?

24 A. Yes.

25 Q. And how do you know Mr. Nunez?

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1 A. Well, he was a passenger on my flight from
2 Barranquilla two years ago.

3 Q. Okay. And do you recall what happened on that
4 flight, if anything?

5 A. Yes. After we took off, like 20 minutes after
6 departure, I was sitting at the back with my friend Ana
7 Maria, in our jump seats at the back. So, Mr. Nunez came
8 and approached me, and he was complaining because the
9 purser didn't allow him to use the lavatory in the
10 business class. And I was sitting in my jump seat, and
11 he approached to my face, and he was yelling why she
12 denied him.

13 And I explained the situation that there is a
14 federal law that all the flights that are going to the
15 United States, passengers must use the lavatories where
16 the seat belongs. And he told me that he was a good
17 passenger and nobody treated him like shit. So, he was
18 very loud. So Ana Maria stood up, and she told him to
19 relax and he didn't need to yell at us. He replied, I'm
20 not talking to you. So, I told him, well, you can use
21 the lavatories that are open. So, I went to the front to
22 talk to the purser and report the situation, and she
23 called the captain.

24 We gave him all the information, where he was
25 sitting, his name, and everything. So, the purser, the

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1 two flight attendants -- me and my other friend -- we
2 decided not to serve alcohol during the service. So I went
3 to the back to start the service, and Mr. Nunez called me
4 and asked me for rum and coke. And I told him --

5 JUDGE RAWALD: Ma'am, if you could, I don't mean
6 to interrupt you. So, you're -- very narrative, Ms.
7 Villiers, so I need to have more questions of what's
8 going on.

9 MS. VILLIERS: Yes.

10 JUDGE RAWALD: And I have some follow-up questions
11 I need to ask and clarify first before we go further.

12 So, ma'am, you said that Mr. Nunez said that he
13 was told he could not use the front lavatory by the purser.
14 Is that what you said, the purser?

15 MS. QUIROZ: Yes.

16 JUDGE RAWALD: Okay. And who is the purser? What
17 is that job on the aircraft?

18 MS. QUIROZ: Of the purser?

19 JUDGE RAWALD: Yes, ma'am.

20 MS. QUIROZ: She assists the passengers in
21 business class, and she's the supervisor of the plane.

22 JUDGE RAWALD: Okay. And then I heard you mention
23 that he was told by Ms. Sanchez that he could use the
24 bathroom in the back of the aircraft. Did he, at that
25 point, use the bathroom in the back of the aircraft?

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1 MS. QUIROZ: Yes.

2 JUDGE RAWALD: Okay. So, he was allowed to go
3 into the lavatory in the back of the aircraft?

4 MS. QUIROZ: Yes.

5 JUDGE RAWALD: Okay. Now, Ms. Villiers, what
6 follow-up questions?

7 And please, Ms. Quiroz, if you could please give
8 shorter answers so Ms. Villiers can ask more questions,
9 that would be helpful to us.

10 MS. VILLIERS: Your Honor, thank you. I didn't
11 want to, kind of, interrupt her, but I do have some follow-
12 up questions.

13 BY MS. VILLIERS:

14 Q. Okay. So, Ms. Quiroz, was there an issue with the
15 lavatory in the back of the aircraft, or the main
16 cabin?

17 JUDGE RAWALD: Was there an issue, Ms. Villiers?
18 Was it broken, was it operational?

19 BY MS. VILLIERS:

20 Q. Yeah, was it operational, was it unoccupied?

21 A. Yes, it was unoccupied.

22 Q. And also, you mentioned that he began -- he was
23 yelling about having to use the main cabin lavatory; is
24 that correct?

25 A. Yes.

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1 Q. And if you don't mind just kind of clarifying
2 for me, do you remember what was he yelling?

3 A. Well, after that incident, he requested for rum
4 and coke.

5 JUDGE RAWALD: No, no. Ma'am, her question was
6 limited to the initial interaction you had with Mr. Nunez
7 and what you said he said, no one treats me like shit and
8 I'm not talking to you. Did he yell anything else
9 besides that, ma'am? That was Ms. Villiers' question.

10 MS. VILLIERS: Correct. Thank you, Your Honor.

11 MS. QUIROZ: Well, yes. He was yelling at us, and
12 I told him, I'm not treating you bad. I'm trying to
13 explain what happened, why the purser didn't let him use
14 the lavatory in the business class, but he was very rude.

15 BY MS. VILLIERS:

16 Q. Ms. Quiroz, once he used the lavatory, what
17 happened next?

18 A. He asked for rum and coke.

19 JUDGE RAWALD: Ma'am, just so I can be clear, you
20 mentioned in your narrative response earlier that you and
21 your companion decided to not serve alcohol. Was that
22 limited to Mr. Nunez or to all passengers you weren't
23 serving alcohol at that point?

24 MS. QUIROZ: All the passengers. Yeah, all the
25 passengers.

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1 JUDGE RAWALD: You were not going to serve alcohol
2 to anyone?

3 MS. QUIROZ: Yeah. Because he was very loud, he
4 was very rude, and so we tried to not escalate more the
5 problem.

6 JUDGE RAWALD: But just so I'm clear, because you
7 had the interaction with Mr. Nunez, you decided to not
8 serve alcohol to any passenger on the flight?

9 MS. QUIROZ: Yes. Because if we served alcohol to
10 one passenger and we denied to him, he would probably
11 complain about why the passenger drank and he is denied.

12 JUDGE RAWALD: Ms. Villiers, now you have your
13 questions.

14 BY MS. VILLIERS:

15 Q. And Ms. Quiroz, why did you deny Mr. Nunez
16 specifically alcohol?

17 A. Because he was very aggressive. And after
18 that, he became more aggressive. He started insulting
19 us, he said we were stupid. He was speaking in Spanish
20 and in English. He realized that we were a Latin
21 American base, so we were speaking in Spanish as well.

22 Q. And Ms. Quiroz, where in the aircraft did this
23 conversation take place?

24 A. At the back of the aircraft, in the galley.

25 Q. And was this after he exited the main cabin

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1 lavatory?

2 A. Yes.

3 Q. So, just to be clear, after he exited the main
4 cabin lavatory, he requested an alcoholic beverage?

5 A. Yes.

6 Q. And what happened when he started, you said,
7 being aggressive towards you?

8 A. We didn't feel safe with him because he yelled at
9 us. So, Ana Maria had the beverage cart ready, so we put
10 it, like protection for us in the aisle, between the
11 aisle and the galley. And while he was insulting us and
12 yelling at us, I called the captain, and the captain could
13 hear all his yelling. So, the captain decided to talk to
14 Rose, the purser, and she delivered the warning notice.

15 Q. And Ms. Quiroz, just a few follow-up questions.
16 So, during this back-and-forth between you and the
17 Respondent, why did you not tell him to return to his
18 seat?

19 A. While I was calling the captain, Ana Maria
20 talked to him and said, please lower your voice and go
21 back to your seat. And he was a passenger using the
22 benefits of one of the tickets of an employee of American
23 Airlines. So, I told him, you know the rules, you
24 shouldn't be disrespectful to any employee of American
25 Airlines. He talked to us, he said, I can buy my own

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1 ticket, you're a fucking idiot, stupid. He kept yelling
2 at us.

3 Q. And did he return to his seat?

4 A. Yes. After that, yes.

5 Q. And Ms. Quiroz, you also mentioned that you had
6 moved the beverage -- moved the beverage cart. Can you
7 provide more detail as to why you did that?

8 A. Because he was approaching to us, so we didn't
9 know what was the next reaction from him because he was
10 very aggressive, so we put the cart in the middle as a
11 protection for us.

12 Q. And he was approaching towards you from where?
13 Where was he coming from?

14 A. He was in the aisle, where the last row of the
15 seat of the passengers.

16 Q. And you mentioned that he did return to his
17 seat. What interaction did you have with him, if any,
18 when he returned to his seat?

19 A. No, I didn't have any more interaction with
20 him.

21 Q. And then what happened next on the flight?

22 A. The person approached to him and delivered the
23 warning notice. We have a notice for disruptive
24 situations so he can be aware if he is still with this
25 behavior, he can get a fine.

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1 Q. And once he received that notice, what happened
2 next?

3 A. He complained to her.

4 Q. Ms. Quiroz, did anything else happen for the
5 remainder of the flight?

6 A. No, because after he complained to Rose, he
7 talked to the captain, and we decided to return to
8 Barranquilla so this problem didn't escalate anymore.

9 JUDGE RAWALD: Ma'am, you have used the name Rose.
10 Is that the person who is the purser?

11 MS. QUIROZ: Yes. Because all the passengers in
12 business class could listen to all his yelling, so we
13 were in an unsafe situation.

14 BY MS. VILLIERS:

15 Q. You mentioned unsafe, Ms. Quiroz. Why did you
16 feel as though you were in an unsafe situation?

17 A. Because we didn't know if he maybe can react
18 physically. He was very aggressive.

19 Q. Understood. And what, if anything, did you say
20 to the captain?

21 A. When I called the captain, I told him, can you
22 listen to him? And he said, yes. He's the passenger
23 that, at the beginning, Rose reported the situation. So,
24 then he talked to Rose and delivered the warning notice.
25 And he kept with the same behavior, so the captain

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1 decided to return to Barranquilla.

2 Q. And Ms. Quiroz, you used the word aggressive.
3 You felt he was being aggressive. What do you mean by
4 that?

5 A. Because his insults, because all his yelling.
6 When he was yelling, he was doing like this (gesturing).
7 I don't know how you say it in English.

8 JUDGE RAWALD: The witness is showing that she's
9 moving her right hand up and down, waving her hands
10 around.

11 MS. QUIROZ: With his hands, talking, yelling at
12 us, and we tried to keep the distance.

13 JUDGE RAWALD: Okay. So, the witness was showing
14 that her depiction of the events, where the Respondent
15 was using his hands to, at least, express his emotion
16 while he was talking with the flight attendants.

17 Ms. Villiers?

18 MS. VILLIERS: Yes. Thank you, Your Honor.

19 BY MS. VILLIERS:

20 Q. So, during kind of this altercation, Ms.
21 Quiroz, that you have described, or his aggressive
22 behavior, what duties were you doing, which one of your
23 -- sorry. Strike that, Your Honor.

24 During his aggressive behavior and your
25 interaction with him, Ms. Quiroz, were you able to

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1 perform any of your flight attendant duties?

2 A. No. We couldn't start the service, the
3 beverage service. No.

4 Q. I'm sorry, you mentioned that you -- did you
5 say that you stopped the beverage service?

6 A. We went to start the beverage service.

7 Q. To start. Okay.

8 A. But after that situation, we couldn't do it,
9 because we didn't know if we start the service, he can go
10 to the aft galley to grab something. So, no, it wasn't
11 safe.

12 Q. Understood. I have two follow-up questions for
13 you. So, you -- during that portion of the flight, you
14 did not conduct the beverage service?

15 A. No.

16 Q. You also just testified and said you felt like
17 he was going to grab something. What do you mean?

18 A. No. If we do the service, maybe he can go to
19 the back and grab something. We didn't know.

20 Q. I'm sorry, but if you could clarify, grab
21 something for what purpose?

22 A. Maybe, I don't know, take something off the
23 cart, off the beverage -- or, I don't know. Something to
24 hit us.

25 JUDGE RAWALD: Ms. Villiers, this is all

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1 speculation. I'm not going to consider it at all for any
2 substance, so let's move on.

3 MS. VILLIERS: Okay.

4 MR. NUNEZ: Thank you, Your Honor.

5 BY MS. VILLIERS:

6 Q. And then, Ms. Quiroz, did anything else happen
7 on the particular flight?

8 A. No. After that, we returned to Barranquilla,
9 and the agents and the police were waiting and deplaned
10 the passenger, and all the passengers applauded about the
11 decision that was taken.

12 Q. I'm sorry, you just mentioned that all the
13 passengers applauded?

14 A. Yes.

15 Q. And why did they applaud?

16 A. Because some of the passengers told the purser
17 that Mr. Nunez was in the VIP lounge in Barranquilla, and
18 he was drinking alcohol, and he was very rude with the
19 police over there and also with the agents of American
20 Airlines, so we didn't know why the agents allowed him to
21 board the aircraft.

22 Q. Okay. Ms. Quiroz, I'll just ask the question
23 again. So, you mentioned that the passengers applauded.
24 Why did the passengers applaud when you landed in
25 Barranquilla?

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1 A. Because I think they felt insecure, like us.

2 JUDGE RAWALD: No, no. Just to be clear, Ms.

3 Villiers, they applauded when Mr. Nunez was taken off the
4 aircraft, not when the aircraft landed.

5 MS. VILLIERS: Right. So, I didn't --

6 JUDGE RAWALD: So, the presumption, Ms. Villiers,
7 is clear that they applauded because Mr. Nunez was removed
8 from the aircraft. I understand the point.

9 MS. VILLIERS: Okay.

10 JUDGE RAWALD: Is there anything else, Ms.
11 Villiers?

12 MS. VILLIERS: No, Your Honor. I have no further
13 questions for Ms. Quiroz.

14 JUDGE RAWALD: Okay. Ms. Quiroz, I have questions
15 that were submitted by Mr. Nunez for me to ask for you.
16 I will go through them, and I will make rulings on them.
17 So, don't answer them until I actually have made those
18 rulings and tell you what to answer. Okay, Ms. Quiroz?

19 MS. QUIROZ: Okay.

20 JUDGE RAWALD: Okay. So, I have question number
21 one for Mr. Nunez. It is a bit confusing as phrased, so I'm
22 going to rephrase it some, Mr. Nunez.

23 CROSS-EXAMINATION

24 BY JUDGE RAWALD:

25 Q. So, first of all, Ms. Quiroz, if you could

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1 please tell me, what is a non-revenue passenger?

2 A. Non-revenue is a -- as employees, we have some
3 tickets that you can give to our family, relatives, or
4 friends. So, you only pay the taxes, you have a seat
5 when there are empty or available seats.

6 Q. Okay. And were you aware that on the flight
7 Mr. Nunez was a non-revenue passenger?

8 A. At the beginning, no, I didn't realize that.

9 Q. Okay. When did you become aware of that fact?

10 A. About the first incident when he complained
11 about a lavatory problem in the business class. So, when
12 I went to talk to the purser, I have the tablet, and we
13 realized that he was a D3 passenger.

14 Q. Okay. And you use the term D3. Is that the
15 same thing as saying someone's non-revenue? That's a
16 code for non-revenue passenger?

17 A. Yes, it's a code.

18 Q. Okay.

19 A. Because we have to give all the information to
20 the captain, so --

21 Q. That's okay. I just want to make sure I
22 understand what you're saying. And so, when you heard
23 that he was a D3 passenger, did you announce, or did you
24 say out loud to Mr. Nunez in your interaction with him
25 that he was a D3 or non-revenue passenger?

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1 A. No.

2 Q. You never once said it out loud? Because
3 before, you did say, you should know better because
4 you're a non-revenue passenger?

5 A. Yes, but I told him that when he was at the
6 back.

7 Q. So, no passengers could possibly have heard you
8 say that information, ma'am?

9 A. I wasn't yelling.

10 Q. Okay. But, ma'am, were there other passengers
11 present in the flight in the back of the aircraft?

12 A. I don't know.

13 Q. Okay. So, you did, in fact, express out loud
14 that he was a non-revenue passenger, ma'am?

15 A. No.

16 Q. You did not or you did?

17 A. Loud? No.

18 Q. No, out loud, as in you verbalized. You said
19 the words, you are a non-revenue passenger, you should
20 know better than this.

21 A. Ah, yes.

22 Q. Okay. And do you think that the fact that he
23 was a non-revenue passenger affected your interaction
24 with him at all?

25 A. No.

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1 Q. Okay. Would you have treated a paying customer
2 this same way -- and this is Mr. Nunez's second question,
3 the same way as you treated a non-revenue passenger?

4 A. Yes.

5 Q. Now, in the discussion here today, you didn't
6 mention this, but you did in a previous statement that
7 Mr. Nunez is aware of and that was previously provided by
8 the Government as an exhibit but has not been admitted in
9 this case, I think that you had said that Mr. Nunez was
10 possibly intoxicated.

11 Mr. Nunez's third question is, what specific
12 behavior led you to believe that he may be intoxicated?
13 Was there anything he was doing that made you think Mr.
14 Nunez was intoxicated, ma'am?

15 MS. VILLIERS: Excuse me, Your Honor?

16 JUDGE RAWALD: Yes, Ms. Villiers?

17 MS. VILLIERS: I have a quick question. In terms
18 of objections, I know that this case is a little peculiar
19 where you are asking --

20 JUDGE RAWALD: You can object to the question, Ms.
21 Villiers. I will tell you that I'm going to overrule the
22 objection because I'm already reviewed it. But go ahead.

23 MS. VILLIERS: Thank you, Your Honor. But just
24 for the record, we'd like to enter a standing objection as
25 it relates to the matter of intoxication based on relevancy.

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1 JUDGE RAWALD: Okay. Well, what I will say,
2 ma'am, is that we have in evidence that Mr. Nunez would be
3 showing that he wasn't here trying the case on his own
4 behalf, but I have limited his ability to do so, a
5 statement from the witness saying that she believes him
6 to be intoxicated at the time. You can, of course, hide
7 that from being dissented in the actual decision opinion,
8 but he views it as impeachment. So, he believes, at
9 least, that she has alleged he is intoxicated and that
10 affected her perception of the incident.

11 So, fair game is for me to ask her, why did she
12 think he was intoxicated?

13 MS. QUIROZ: No. I didn't think he was
14 intoxicated.

15 JUDGE RAWALD: You did not? Okay, ma'am.

16 MS. QUIROZ: No.

17 BY JUDGE RAWALD:

18 Q. So, okay. Did any of your other colleagues
19 believe him to be intoxicated?

20 A. No.

21 Q. Okay. And if you were aware that he passed
22 breathalyzer tests -- this is Mr. Nunez's fourth
23 question. If you believe -- if you were aware of the
24 fact that he passed the breathalyzer test upon getting to
25 the ground, would it affect your opinion of his behavior

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1 on the flight at all?

2 A. No, because we serve alcohol in all the flights,
3 and people drink and don't react like that. You don't
4 have to be disrespectful.

5 JUDGE RAWALD: Okay. Mr. Nunez's fifth question
6 is argumentative, and the testimony is not quite the same as
7 what he's arguing would be in the fifth question. I'm
8 going to have objection to it and sustain it, and also
9 rephrase it.

10 BY JUDGE RAWALD:

11 Q. So, what was the reason why you thought that
12 Respondent, Mr. Nunez, was unruly or disruptive? What
13 exactly was it that he was doing?

14 A. He -- well, his behavior. He tried -- he was very
15 close when he was yelling at me. He was yelling at me in
16 my face.

17 Q. So, the fact that he was yelling and that he
18 was close to you, those are the things that you thought
19 were unruly?

20 A. Yes. Well, and his insults.

21 Q. So, actually, the words he was using, too, were
22 also unruly to you?

23 A. Yeah. I mean, I told him, please, please keep
24 your voice down, I can listen to you. But he didn't
25 manage, so he is still with his behavior.

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1 Q. Okay. Mr. Nunez asked you only for an alcoholic
2 drink, not a non-alcoholic beverage, ma'am?

3 A. No. He only asked for rum and coke, and I
4 offered him non-beverage only.

5 Q. And he did not accept that offer?

6 A. No.

7 JUDGE RAWALD: I will not allow Mr. Nunez's sixth
8 question to respond to the evidence that we have before
9 us. The seventh question has two parts. The second half
10 is argumentative, but I will allow the first part.

11 BY JUDGE RAWALD:

12 Q. Why did you choose to involve the captain and
13 escalate the situation by turning the plane around
14 instead of de-escalating the situation in a different
15 manner?

16 A. When he started insulting us, and he was more
17 loud and loud, so that's why I called the captain and he
18 could listen in by the intercom.

19 Q. Okay. And who made the decision to divert the
20 aircraft, yourself or the captain?

21 A. No, the captain. The captain.

22 JUDGE RAWALD: Okay. The eighth question is also
23 argumentative as phrased, but I'm going to rephrase it.

24 BY JUDGE RAWALD:

25 Q. Were there other tools you could have used,

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1 based upon your training in de-escalation that you
2 described in your opening comments here, were there other
3 tools you could have used to resolve the situation rather
4 than diverting the aircraft, ma'am?

5 MS. VILLIERS: Your Honor?

6 JUDGE RAWALD: Yes, ma'am?

7 MS. VILLIERS: Sorry, Your Honor. Objection to
8 that question in terms of relevance. Ms. Quiroz testified
9 that she had no role in the diversion of the aircraft.

10 JUDGE RAWALD: Well, she didn't choose to divert
11 the aircraft, but the question is, could she or the flight
12 attendant trained in de-escalation have used other tools
13 and said to the captain, no, we have this, we'll
14 de-escalate it. And so she could say, there's not, but I
15 want to hear from her. And that's certainly a relevant
16 question. So, objection overruled.

17 MS. VILLIERS: Understood.

18 BY JUDGE RAWALD:

19 Q. Ms. Quiroz, so were there other tools you could
20 have used in your training to de-escalate the situation
21 rather than allowing the captain to divert the aircraft
22 back to Colombia?

23 A. Yes. The next step was the purser gave him the
24 warning notice, the paper.

25 Q. Okay. So, you believe you did all the steps

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1 you had available to you before the aircraft was diverted
2 then, ma'am?

3 A. Yes.

4 Q. Okay. Now, the next questions, the ninth and
5 tenth questions relate to the fact this is occurring on
6 during the pandemic that we had due to COVID-19.

7 Were you aware of any heightened tensions or
8 stress among the crew due to the pandemic?

9 A. No.

10 Q. Okay. And were there any tensions or stress
11 due to the fact the flight had already been delayed due
12 to weather problems in Miami?

13 A. What? Can you repeat?

14 Q. Were there any heightened tensions or stress
15 among the crew that day because the flight had been
16 delayed on the way because of weather in Miami?

17 A. No.

18 Q. Okay. Do you believe the flight being delayed
19 or the fact that there was a pandemic may have affected
20 how you or your other crew members responded to the
21 situation with Mr. Nunez?

22 A. No.

23 JUDGE RAWALD: The thirteenth question I'm not
24 going to ask because it's not relevant. The fourteenth
25 question is argumentative in nature, I'm not going to

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1 allow it. The fifteenth question calls for speculation,
2 I'm not going to allow it, as well as the sixteenth
3 question.

4 BY JUDGE RAWALD:

5 Q. Question number seventeen, how long have you
6 been a flight attendant? So, you mentioned before that
7 it had been -- how long, ma'am? You did say in your
8 testimony how long that was.

9 A. In that moment, in that year?

10 Q. Yes, ma'am.

11 A. Six years.

12 Q. Okay. And in the six years before that, had
13 you ever dealt with any issues regarding passengers who
14 were elite status?

15 A. Like this? No.

16 Q. Okay. And were you aware that Mr. Nunez, in
17 addition to being a non-revenue passenger, also was an
18 elite status flyer at that time?

19 A. Excuse me?

20 Q. Were you aware at the time of the incident that
21 Mr. Nunez, in addition to being a non-revenue passenger,
22 he also held an elite status on the airline?

23 A. No. At the beginning, no.

24 JUDGE RAWALD: Okay. The eighteenth question has
25 already been asked and answered, I'm not going to allow

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1 it.

2 BY JUDGE RAWALD:

3 Q. The nineteenth question, do you believe -- and
4 I asked you this somewhat, but I'll ask it again to be
5 very clear, that your personal views regarding
6 non-revenue passengers or frequent flyers influenced your
7 handling of the situation at all?

8 A. No. I treat all passengers the same. Yeah.

9 JUDGE RAWALD: Okay. The twentieth question is
10 argumentative, I'm not going to allow it.

11 BY JUDGE RAWALD:

12 Q. Twenty-one. Were you personally feeling
13 stressed or under pressure during the flight due to the
14 pandemic or the fact that the flight had been delayed?

15 A. No.

16 Q. Okay. And do you believe that your emotional
17 state or fatigue could have influenced your decision
18 making during this incident?

19 A. No.

20 JUDGE RAWALD: Okay. The twenty-third question is
21 argumentative, I'm not going to allow it. The
22 twenty-fourth question is argumentative, but I will
23 rephrase it.

24 BY JUDGE RAWALD:

25 Q. What exactly was the basis for returning the

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1 plane to Colombia? What was the reason to divert the
2 aircraft, as you understood from the captain at the time?

3 A. Because the behavior of Mr. Nunez, he was very
4 intimidating.

5 Q. Okay. So, after the purser interacted with
6 him, it somehow got worse? Because the purser had gave
7 him the notice and then the decision was to divert; is
8 that correct?

9 A. Yes.

10 Q. So, what happened after Mr. Nunez interacted
11 with the purser that required the plane to then be
12 diverted?

13 A. I think when the purser delivered the note, he
14 could read it, he complained to her. So, she reported
15 that to the captain and he decided to return to
16 Barranquilla.

17 Q. So, you were not physically present for the
18 conversation between the purser and Mr. Nunez?

19 A. No.

20 Q. Okay. So, you don't know what that was like or
21 how it went, but as you understand it, that conversation
22 is what then justified or resulted in the captain saying,
23 let's go back to Colombia?

24 A. Yes.

25 JUDGE RAWALD: Okay. Thank you. That's all the

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1 questions I have at the moment, ma'am. But I do want to
2 put you in a witness waiting room. We'll bring you back
3 out in just a few moments, I just want to talk to Mr.
4 Nunez and Ms. Villiers without you present. Okay?

5 MS. QUIROZ: Okay.

6 MS. VILLIERS: Excuse me?

7 JUDGE RAWALD: Okay. Ms Booker, if you could
8 please -- hold on a second, Ms. Villiers.

9 MS. VILLIERS: Sure.

10 JUDGE RAWALD: Okay. Ms. Villiers, you have
11 something you want to ask?

12 MS. VILLIERS: Yes. Your Honor, I just had one
13 question on redirect.

14 JUDGE RAWALD: Okay. But let's finish with the
15 cross-examination first.

16 MS. VILLIERS: Okay.

17 JUDGE RAWALD: So, Mr. Nunez, do you have anything
18 else on cross-examination you wish to ask this witness?

19 MR. NUNEZ: Your Honor, to be honest with you, the
20 questions that were argumentative and have been stricken
21 from the record. So, I mean, those were points that I
22 tried to bring up. But, I mean, the elite status and her
23 treatment of me. You know, the foul language was never
24 mentioned in the original report, I didn't call anyone an
25 effing idiot or anything like that.

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1 JUDGE RAWALD: Sir, so just so we're clear. So,
2 the three things that are argumentative is because I'll say,
3 hey, you didn't really think that, right? And she'll
4 say, yes, of course I did. So, then we'll argue back and
5 forth. That's not productive. So, what's clear is that
6 she has testified what she testified to.

7 Now, it's different than what she said before.
8 You can, of course, offer as exhibits, the exhibits from her
9 past statements. And you have, which we have and have
10 not been admitted by Plaintiff at the moment. You can,
11 of course, testify yourself and say, hey, it's different.

12 MR. NUNEZ: I'll say that.

13 JUDGE RAWALD: Yeah. But I can't go back and
14 forth with her about what she said and say, no, this is
15 wrong. Because she's going to say, no, it's right, and
16 that's not productive.

17 MR. NUNEZ: I understand, sir.

18 JUDGE RAWALD: Okay. Any other questions you have
19 for her? What was that?

20 MR. NUNEZ: No further questions, Your Honor.

21 JUDGE RAWALD: Okay. So, we'll bring her back in
22 and do a redirect, Ms. Villiers, and then we'll let her
23 go.

24 Okay. So, Ms. Booker, if you could please bring
25 back in the witness.

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1 Okay. Ma'am, Ms. Quiroz, you are back. Ms.
2 Villiers has some follow-up questions she's going to ask
3 you and then we will release you.

4 Ms. Villiers?

5 MS. VILLIERS: Thank you, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. VILLIERS:

8 Q. Ms. Quiroz, you just testified in the last
9 question that Judge Rawald asked you that I believe you
10 said that the flight was returned because he was given
11 the disruptive pamphlet or the disruptive passenger --

12 JUDGE RAWALD: What she explained, Ms. Villiers,
13 is that after being given the disruptive pamphlet, the
14 Respondent's interactions with the purser were such that
15 the purser and the captain decided the plane should be
16 turned around. Correct, Ms. Quiroz?

17 MS. QUIROZ: Yes.

18 JUDGE RAWALD: Okay.

19 BY MS. VILLIERS:

20 Q. So, to clarify, Ms. Quiroz, was that the only
21 reason, meaning the interaction between the purser and
22 the Respondent, was that the only reason that the plane
23 was returned to Barranquilla?

24 A. Well, no. It was all the interaction that we
25 had. When we gave the delivery note, we tried to

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1 de-escalate the problem because the passenger is aware of
2 the fines and everything, but we couldn't. I think the
3 purser even couldn't de-escalate the problem. His
4 attitude was more aggressive, so.

5 JUDGE RAWALD: Any other questions, Ms. Villiers?

6 MS. VILLIERS: Understood. No, Your Honor.

7 JUDGE RAWALD: Okay. Then I'm going to let the
8 witness be released for her normal life.

9 So, ma'am, you can go ahead and log off Zoom and
10 return to your normal business. Thank you.

11 Okay. Ms. Villiers, what's next?

12 MS. VILLIERS: Your Honor, we would like to call
13 Ana Maria Sanchez.

14 JUDGE RAWALD: Okay. Ms. Sanchez could please
15 enter the hearing room, Ms. Booker. And if you could,
16 please help Ms. Quiroz off the Zoom as well, Ms. Booker.

17 Okay. Ms. Sanchez, I see you're here. If you
18 could, please raise your right hand.

19 Whereupon,

20 ANA MARIA SANCHEZ

21 A witness, called for examination, having first been
22 duly sworn, was examined and testified as follows:

23 JUDGE RAWALD: Okay. Thank you. And let's hold
24 on one second.

25 Ms. Booker, are you able to take Ms. -- okay.

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1 She's off now. Okay. Thank you.

2 So, your witness, Ms. Villiers.

3 MS. VILLIERS: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MS. VILLIERS:

6 Q. Good morning, Ms. Sanchez.

7 A. Good morning.

8 Q. Can you please state your full name for the
9 record?

10 A. Yes. My name is Ana Maria del Pilar Sanchez
11 Borrás.

12 Q. Thank you. And, Ms. Sanchez, who is your
13 current employer?

14 A. American Airlines.

15 Q. And how long have you been employed with
16 American Airlines?

17 A. On December, 34 years.

18 JUDGE RAWALD: Sorry, did you say 34, 34?

19 MS. SANCHEZ: Yes, 34.

20 JUDGE RAWALD: Thank you.

21 BY MS. VILLIERS:

22 Q. And what is your position at American Airlines,
23 Ms. Sanchez?

24 A. I'm a flight attendant.

25 Q. And how long have you been a flight attendant

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1 at American Airlines?

2 A. 34 years.

3 Q. And, Ms. Sanchez, based on your experience,
4 what are your responsibilities in that position as a
5 flight attendant?

6 A. For the safety of the passengers, and also to
7 give them beverage and snacks. But the priority is the
8 safety of them.

9 Q. Thank you. And is there anything else that is
10 your duty as a flight attendant?

11 A. Can you repeat? I don't understand that.

12 Q. I'm sorry. Are there any other duties in your
13 flight attendant position?

14 A. No, only that.

15 Q. And you mentioned safety of passengers. What
16 do you mean by safety of passengers?

17 A. In case of an emergency, for example, I am
18 trained to -- in those cases, to solve the problems. For
19 example, to make evacuations or, I don't know, in case
20 someone is sick. Things like that.

21 Q. Understood. And, Ms. Sanchez, in your 34 years
22 of experience, roughly how many flights do you work per
23 week?

24 A. It depends on each month. Different months
25 will have different sequence. But a sequence, it can be

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1 of two days or five days.

2 Q. Okay. Okay. And, Ms. Sanchez, have you ever
3 testified in a court proceeding before today?

4 A. No, never.

5 Q. And are you familiar with the Respondent, Mr.
6 John Nunez, in this matter?

7 A. Can you repeat, please?

8 Q. I'm sorry. Sure. Are you familiar -- do you
9 know the Respondent, John Nunez, in this matter?

10 A. Yes, yes.

11 Q. And how do you know Mr. Nunez?

12 A. Because we had a problem with him when we were
13 going from Barranquilla to Miami. He made problems on
14 that.

15 Q. Understood. But just to clarify, was this a
16 flight that you were on? Just to clarify for the record.

17 A. If I was on the flight?

18 Q. Yes.

19 A. Oh, yes. Yes, I was working position number
20 two.

21 Q. You were working position number two?

22 A. Yes.

23 Q. And was Mr. Nunez on that flight?

24 A. Yes.

25 Q. And what, if anything, happened on that flight?

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1 A. We were in the takeoff. First, the flight, we
2 arrived late from Miami to Barranquilla. Then, the
3 boarding, we were in the takeoff, and he comes at the
4 back of the airplane where we were sitting, because we
5 were with seatbelts, because it's takeoff.

6 Q. I'm sorry, Ms. Sanchez, but I just -- I'm sorry
7 to interrupt, but I'll just have some follow-up
8 questions. When you say we, who is we?

9 A. It's another flight attendant, Rosario Quiroz
10 [sic]. She was in the jump seat at the back with me.

11 Q. Okay. Understood. So, you mentioned that he
12 came to the back. What happened when he came to the back
13 of the aircraft?

14 A. Well, I saw -- when I turned around, because
15 she was on my left side, she was looking at the
16 passengers. I was looking to the galley. And I saw him,
17 he invaded her personal space, because he was very close
18 to her, and he was shouting at her. He was standing up,
19 shouting at her, to Rosario Quiroz.

20 So, I told him, please go to your seats, because
21 takeoff. And he continued shouting at her.

22 Q. And Ms. Sanchez, what was he shouting?

23 JUDGE RAWALD: Hold on one moment, ma'am. It
24 appears that witness Rebecca Habib has joined the audio,
25 so she must go into a witness waiting room.

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1 So, Ms. Booker, if you could please move Ms. Habib
2 into a waiting room. Thank you.

3 Okay. Let's go back to Ms. -- I'm sorry, Ms.
4 Sanchez. If you could please go on.

5 MS. SANCHEZ: Okay.

6 JUDGE RAWALD: Ms. Sanchez?

7 MS. SANCHEZ: Then, I told him to go to her seat
8 -- to his seat, no? And he continued on, and he said he's
9 a -- I don't know, a gold member. Something like he has a
10 privilege, or I don't know. But that is not necessary to
11 tell me, you have to sit because takeoff is dangerous to
12 be standing up in the aircraft. But he continued, and he
13 was also -- he told us also that he went before to
14 forward the aircraft to talk. He wants the restroom, but
15 in that moment, the purser, Rosa Maria Selly, told him
16 not -- he could not use. Because first is takeoff, no, you
17 cannot use the restroom, and second, that in that period
18 of time, any passengers of main cabin cannot use the
19 restroom of business class.

20 BY MS. VILLIERS:

21 Q. Understood. Ms. Sanchez, you mentioned, you
22 said the forward. What is the forward?

23 A. The forward part of the aircraft.

24 Q. Okay.

25 A. Near the cockpit.

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1 Q. Near the cockpit, okay. Thank you.

2 A. Yeah. And number one, the purser sits close to
3 the cockpit. We were aft, totally aft the aircraft.

4 Q. And just for the record, what is the aft of the
5 aircraft?

6 A. Aft is at the final of the aisle, when is the
7 galley.

8 Q. Understood. Thank you.

9 A. And there are the jump seats.

10 Q. Understood. Thank you so much, Ms. Sanchez.
11 And so, you mentioned that he was, I guess, you said that
12 he was shouting, or he was shouting to the flight
13 attendant that was with you --

14 A. Yeah, he was at the restroom.

15 Q. What, if anything, did you say to him?

16 A. To go to his seat. Because I was afraid, no,
17 that he was going to hit her. Because he's like, he
18 talked and shouted with his hands, that his eyes was
19 like, I don't know, he was so, like, crazy. And then he
20 want alcohol, and I --

21 Q. Understood, Ms. Sanchez. I just have a few
22 follow-up questions for you. You mentioned you told him
23 to go to his seat. Did he go to his seat?

24 A. No, not immediately. He continued to shout.

25 Q. And then, what happened next?

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1 A. Then, he went to his seat. And then I am
2 number two and I have to make the carts for the beverage,
3 and I make it very fast. And in the moment, that the
4 beverage cart was ready to go, he came again.

5 And I said, oh, Rosario, he's coming again.
6 And he began to shout again, I want alcohol. And I said,
7 you can't, we don't have alcohol. It was a lie, but I
8 don't want to give him, because it seemed like he was so
9 aggressive that I don't want to give him alcohol, no.
10 So, he began to shout and, like, very close to us.

11 Q. Understood. And, Ms. Sanchez, when he was
12 shouting, what was he saying?

13 A. That he had, like, a gold member. I don't
14 understand that. He's very important, and, like, he was
15 very important because he was a golden card. I don't
16 understand him. But I told him not to shout at us, no.
17 And then in a moment, I put the cart across the aisle,
18 no, so he cannot push closer to us, no.

19 Q. Understood. So, Ms. Sanchez, just a few follow
20 up questions based on what you just stated. So, you said
21 eventually he returned to his seat, right?

22 A. In the first, yes.

23 Q. You said, in the first?

24 A. I'm going to tell you. When we take off, he
25 stands up. Then after that, he returned to his seat.

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1 Then after more or less 15 minutes, more or less, we
2 finished the cart, the beverage cart, and he came again
3 at the back. And in that moment, he was so aggressive
4 that I have to put the cart.

5 MS. VILLIERS: Your Honor, I would like to bring
6 to your attention Exhibit C-14.

7 JUDGE RAWALD: Yes.

8 MS. VILLIERS: Is it possible?

9 JUDGE RAWALD: I've admitted it. It's the video
10 of the orange juice cart. Yes, ma'am.

11 So, you can go ahead and show it, Ms. Booker.

12 MS. VILLIERS: Thank you.

13 JUDGE RAWALD: Let the record reflect that we're
14 showing what is being admitted as Exhibit C-14.

15 MS. VILLIERS: Thank you.

16 (Exhibit C-14 video was played.)

17 JUDGE RAWALD: Okay. Ms. Booker, thank you. If
18 you could please take the video down.

19 And Ms. Villiers, do you have a question about the
20 video for Ms. Sanchez?

21 BY MS. VILLIERS:

22 Q. Ms. Sanchez, do you recognize that video?

23 A. Yes, I make it.

24 Q. Okay. And can you explain to us why you made
25 that video?

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1 A. Because he was treating us. So, I put -- the cart
2 was not there, but I put it across so he could not come
3 closer to us. And I, with my hand, he was shouting too
4 loud and like -- he was, like, close to us. And I put my
5 hand like this on his face (indicating). Not on his face,
6 but like this, not to come closer to us, no.

7 JUDGE RAWALD: So, the witness is showing that she
8 put her hand with her palm open in the face of the
9 Respondent.

10 MS. SANCHEZ: It's like this, between the carts,
11 no. Because he was going to come, and I said, don't come
12 here. And in that moment, I told Rosario Quiroz to call
13 the captain because he was, like, very -- I was afraid of
14 him. So, in that moment, when Rosario Quiroz called the
15 captain, she has to know the seat of the passenger. So,
16 in the moment that she finds the seat number, she knew
17 that he was using our tickets, the tickets of American
18 Airlines. He was a non-rec passenger.

19 BY MS. VILLIERS:

20 Q. Understood. Understood, Ms. Sanchez. So,
21 just, I want to go back to that video. I want to go back
22 to that video. I do not see Mr. Nunez in that video.

23 A. No, because I was so nervous.

24 Q. Why is that?

25 A. I was so nervous. I don't want that he sees

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1 filming because maybe he's going to throw my telephone or
2 something.

3 Q. Okay. So, where was Mr. Nunez in that video?

4 A. Yeah, he was there in the -- near the bathroom,
5 the restroom.

6 Q. He was near the -- but we don't see him in that
7 actual video?

8 A. No, no.

9 Q. Why is that?

10 A. Because in that moment, he was there, but I
11 don't put -- I don't film his face because I was afraid
12 that he was going to, yeah, to hit me.

13 Q. Understood. And so, what happened after you
14 were behind the beverage cart? What happened next? What
15 next did you do?

16 A. And then after that, after Rosario talked with
17 the captain, he's still there, and I said, go to your
18 seat, go to your seat. And then he went to his seat.
19 Then we talked with the purser and the purser said, I
20 went -- then we start the beverage cart and all the
21 things. And I went to the front of the airplane to tell
22 to the purser that the problem with this passenger, no.

23 Q. So, I'm sorry. Ms. Sanchez, you just mentioned
24 that you started the beverage cart?

25 A. No. I store all.

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1 JUDGE RAWALD: She stored it? You put it away?

2 MS. VILLIERS: Oh, you put it away.

3 MS. SANCHEZ: Because the captain said that we
4 were -- we are going to return to Barranquilla.

5 BY MS. VILLIERS:

6 Q. Understood. And why did the captain say that
7 you were going to return to Barranquilla?

8 A. Because it was a dangerous situation with the
9 passenger.

10 Q. And, I'm sorry, but why was it a dangerous
11 situation with the passenger?

12 A. Because if you see that he shout us out, he
13 insult us, he told us, you are perras. A lot of bad
14 words.

15 Q. I'm sorry. Can you say that word in English?
16 Do you know that word in English?

17 A. Bitches.

18 Q. And Ms. Sanchez, during this, during your
19 interaction with the Respondent, Mr. Nunez, were you able
20 to conduct your flight attendant duties?

21 A. No, no. We don't, we don't do any beverage
22 service in that moment because we have to close
23 everything because we were going to return.

24 Q. Because you were going to, I'm sorry, to return
25 where?

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1 A. To Barranquilla.

2 Q. Understood. And Ms. Sanchez --

3 MS. VILLIERS: Your Honor, do you have a question?

4 JUDGE RAWALD: No.

5 BY MS. VILLIERS:

6 Q. Okay. And Ms. Sanchez, what happened when you
7 returned to Barranquilla?

8 A. Before we returned, when I went to forward to
9 the purser, all the passengers that were sitting near
10 him, all the passengers want to change their seats. They
11 don't want to sit near him. So, in that moment before we
12 return, I have to change all the passengers near him to
13 the back, because at the back there were no passengers.
14 It was not full at the back.

15 Q. And why did these passengers want to change
16 their seats?

17 A. Because all the passengers were afraid of him.
18 All the passengers. Because he -- when he showed us on the
19 airplane, he heard that -- I think, because I saw, when I
20 saw in front, I saw the passengers, like, watching all
21 terrified because of that, that shout of him, no, to us.

22 JUDGE RAWALD: Ma'am, when you said, all of the
23 passengers, how many passengers did you reseat at that
24 moment in time?

25 MS. SANCHEZ: Like, like six, seven passengers.

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1 JUDGE RAWALD: Okay. Thank you.

2 MS. SANCHEZ: That was around him, no. Around him
3 still.

4 BY MS. VILLIERS:

5 Q. And Ms. Sanchez, after you reseated these
6 passengers, what did you do next?

7 A. I went to talk to the purser about all of this
8 problem that happened at the back. So, I don't -- so she
9 can talk to the passenger to -- I don't know, to tell
10 something to him, no.

11 Q. And what happened then?

12 A. Well, then I go to my seat to close all my
13 galley because we were going to land to Barranquilla.

14 Q. And once you landed in Barranquilla, what, if
15 anything, happened?

16 A. I'm sorry? I don't understand.

17 Q. What happened when you landed in Barranquilla?

18 A. Ah, what happened? Yeah, we landed to
19 Barranquilla and the purser or the -- I don't -- I am not
20 sure, or the captain told that nobody can stand up. They
21 only are going to enter an agent, and so everybody was
22 seated. And then an agent -- the ground agent come to the
23 airplane, talk with the Passenger Nunez. And then I saw,
24 and I also make a video. And then he go, and when he go
25 with the agent, every passenger claps because they don't

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1 want to be during the flight.

2 MS. VILLIERS: Your Honor, if I may turn your
3 attention to exhibit C-15.

4 JUDGE RAWALD: Okay. Would you like Ms. Booker to
5 play it?

6 MS. VILLIERS: Yes. Thank you, Your Honor.

7 JUDGE RAWALD: Okay. Ms. Booker, if you could
8 please play C-15.

9 (Exhibit C-15 video was played.)

10 MS. VILLIERS: Your Honor, I'm not hearing the
11 sound on this.

12 JUDGE RAWALD: That's okay. We don't need to have
13 any audio, that's fine. So, let the record reflect the
14 video was shown of C-15. So, there was no audio but we
15 have seen the video.

16 So, would you like to have the witness identify
17 this video?

18 MS. VILLIERS: Yes, Your Honor. The audio is
19 particularly important in this video, Your Honor.

20 JUDGE RAWALD: That's fine, I can hear the audio,
21 I don't need to --

22 MS. VILLIERS: Oh, you can hear the audio?

23 JUDGE RAWALD: I can hear the audio when I listen
24 to the exhibit. I've reviewed it, I will listen to it
25 again. I don't need her -- are you having her identify

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1 it? Is that why you're having her look at it?

2 MS. VILLIERS: Yes, Your Honor.

3 JUDGE RAWALD: Okay.

4 BY MS. VILLIERS:

5 Q. Ms. Sanchez, do you recognize this video?

6 A. Yes.

7 Q. Okay. And what is this a video of?

8 A. Sorry?

9 Q. I'm sorry. How do you recognize this video?

10 A. Because I taped it.

11 Q. Okay. And when did you tape this video?

12 A. When we arrived, when we returned to

13 Barranquilla.

14 Q. And if you could just let us know for the
15 record, what is this video of? What is it showing?

16 A. When the agent came inside and took this
17 passenger outside the airplane because he was a threat,
18 no.

19 MS. VILLIERS: Understood. Your Honor, I have no
20 further questions for Ms. Sanchez.

21 JUDGE RAWALD: Okay. Ms. Sanchez, before the
22 hearing, Mr. Nunez gave me questions that he would like
23 to have asked of you. I will go through each one. I
24 will offer some rulings about some of them as I go
25 through them, and then I will let you know which ones I

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1 need you to answer. Okay, ma'am?

2 MS. SANCHEZ: Okay.

3 JUDGE RAWALD: Okay.

4 CROSS-EXAMINATION

5 BY JUDGE RAWALD:

6 Q. Okay. You mentioned during your examination
7 that you were aware of the fact that Mr. Nunez was
8 non-revenue at some point in the flight; is that right?

9 A. Yes.

10 Q. Okay. What significance did any of that have
11 to you? The fact that he was a non-revenue passenger,
12 why did that matter to you?

13 A. Ah, because when Rosario Quiroz told me that,
14 it's supposed to when you have the tickets, privileged
15 tickets, no, you have to be nice. Because the person
16 that gave you the -- one of the workers of American
17 Airlines gave him, he was going to have troubles with his
18 tickets.

19 Q. So, you are saying the person who has a
20 non-revenue status needs to be a polite passenger because
21 otherwise it will impact the person who gave them that
22 status? Is that what you're saying, ma'am?

23 A. Yeah. Because if not, he's going to have
24 problems. Maybe they are going to take out that ticket
25 to that person, no. Or maybe he's going to lose his

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1 work, no.

2 Q. Did you in any way mention to Mr. Nunez that
3 you were aware of his status as a non-revenue passenger?

4 A. Yes. In that moment, I told him, you have to
5 be nice. Why do you do that?

6 Q. Did you say to him, you are a non-revenue
7 passenger, or you are a D3, the code for a non-revenue
8 passenger, when you were saying those words to him?

9 A. I told him, in that moment that I told him, you
10 are using a D3 pass and you have to be nice because the
11 person that gave you this ticket is going to have
12 problems, no. So, he can come, no.

13 Q. Okay. And did the fact that he was a
14 non-revenue passenger affect the way you were treating
15 him at all?

16 A. No, no, no, no. I told you that so he can come
17 and think of the other person, no. But he was not
18 interested, I think.

19 Q. In regard to the second question, I will ask
20 part of it as being relevant and part of it as not.

21 Would you have treated a paying customer the same
22 way that you treated Mr. Nunez, knowing that he was a
23 non-revenue passenger?

24 A. No. I treat all my passengers the same, the
25 same.

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1 Q. Okay. Ma'am, there is at least some indication
2 in the record that you may have believed that Mr. Nunez
3 was intoxicated in an interaction with you.

4 What behavior, if any, did you alleged to believe
5 that Mr. Nunez may have been intoxicated?

6 A. Because he shouts a lot, then he smells
7 alcohol, he smells a lot.

8 Q. Okay.

9 A. And I don't know, he was so irritated, like his
10 eyes were like -- he was totally different from yesterday
11 or today I saw Mr. Nunez. He looks totally different.
12 He was, like, crazy. I don't know. He looks so
13 different today or yesterday I saw him.

14 Q. Okay. Thank you. This is Mr. Nunez's fourth
15 question. If you were told that he passed a breathalyzer
16 test once the plane got on the ground, would it affect
17 your opinion of how he was acting on the aircraft, ma'am?

18 A. Please, can you repeat, because I don't
19 understand.

20 Q. Sure. If you were told that upon arriving in
21 Barranquilla that he was given a breathalyzer test by the
22 officers, he was tested for alcohol, and he was found to
23 not be drunk, would that affect your opinion of his
24 behavior at all?

25 MS. VILLIERS: Your Honor, if I may object?

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1 JUDGE RAWALD: You may.

2 MS. VILLIERS: Thank you. Just, just --

3 JUDGE RAWALD: The objection is overruled.

4 MS. VILLIERS: Okay.

5 JUDGE RAWALD: Ms. Sanchez?

6 MS. SANCHEZ: Because I don't understand so much.

7 If in that moment --

8 JUDGE RAWALD: If I told you -- if I told you that
9 upon arriving in Colombia, Mr. Nunez received a breathalyzer
10 test to check him for whether he was intoxicated, and it was
11 found that he was not intoxicated, would that affect your
12 opinion of his behavior on the aircraft?

13 A. No, no, no.

14 Q. Okay. Thank you.

15 A. Okay.

16 Q. Okay. The fifth question is argumentative, it
17 is not consistent with what was testified to, but there
18 is part of it that is allowable.

19 What reason do you have for thinking that the
20 Respondent was an unruly or disruptive passenger? What
21 exactly was he doing that you felt was inappropriate or
22 unsafe?

23 A. That, no, that -- too fast you talk. Sorry,
24 not a word.

25 Q. That's okay. What exactly did Mr. Nunez do

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1 that you believed was unsafe or unruly? What was his
2 behavior?

3 A. Ah. When he shout to us and like this, he
4 threaten us, he make, he insult us. He -- he was so close
5 to us.

6 Q. Okay. So, his physical closeness, his
7 language, and his volume of his voice were the things
8 that were disruptive?

9 A. Yeah. I was so afraid and the passengers also.

10 Q. Okay.

11 A. But no, no passenger, no male passenger help
12 us, nobody, I don't know. Because he was so rude, all
13 the passengers were afraid.

14 Q. Okay. Now the sixth question Mr. Nunez has
15 isn't quite what you testified to, so I will rephrase it
16 to reflect what was testified.

17 So, you explain that you told him there was no
18 alcoholic on the plane. Did you offer him a
19 non-alcoholic drink?

20 A. I offered him.

21 Q. So, he -- you explained that he said, I would
22 like an alcoholic drink. And, he -- you told him a lie
23 that there was no alcohol on the plane.

24 A. Yes.

25 Q. Correct?

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1 A. Yes.

2 Q. Did you offer him a non-alcoholic drink at that
3 point?

4 A. No. Because he was very rude in that moment.
5 He was shouting, and I said, no, I am not going to give
6 you any alcohol.

7 Q. Okay. But what did you offer him? Did you
8 offer him a non-alcoholic drink?

9 A. Yeah, maybe water, no. Water, I have a lot in
10 the cart in that moment.

11 Q. Okay. The seventh question, the second half is
12 argumentative, but the first half I will allow.

13 Why did you choose to involve the captain and
14 then of course allow the plane to turn around?

15 A. Because -- because it's a threat, no. And we
16 have safety, safety things that we have to call the
17 captain, no. And I think that that was threatening, no.

18 Q. Okay. You explained that you received -- this
19 is regarding the eighth question which I am rephrasing.

20 You explained that you received de-escalation
21 training as part of your training in this, to become a
22 flight attendant. You've been a flight attendant for 34
23 years, that's a long time.

24 A. Yes.

25 Q. Were there other tools you could have used to

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1 resolve the situation rather than having the plane
2 diverted to deal with this passenger?

3 A. No, there is no other. There is no other.

4 Q. Okay. Why is that, ma'am?

5 A. Why?

6 Q. Yes, ma'am.

7 A. Because we have in all the years that I go,
8 that, for example when a passenger maybe shouts -- but
9 not so much like him, no. First we gave him a paper that
10 telling that he has to be calm or et cetera. But, yeah,
11 he was like another level, no. It was -- he looks, like,
12 dangerous.

13 Q. Okay. He looked dangerous, ma'am? Is that
14 what you said, dangerous?

15 A. Yes.

16 Q. Okay. The ninth question for the Respondent is
17 regarding the pandemic.

18 Were you aware of any heightened tension or stress
19 among the crew due to the pandemic, the COVID pandemic,
20 ma'am?

21 A. Can you repeat that please?

22 Q. Sure. Were you or the crew experiencing any
23 additional stress on the flight due to the pandemic at
24 the time, the COVID pandemic?

25 A. Ah. When he was, because he was so close to

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1 Rosario, not too close because of the pandemic.

2 Q. Okay. So, you're saying -- the question is
3 generally, ma'am, is were you more stressed out or under
4 more stress than normal because we were in that time
5 because of the pandemic?

6 A. No. Zero stress, no.

7 Q. Okay.

8 A. I was not using anything. No, zero stress.

9 Q. Okay. And you also mentioned the flight had
10 been delayed in arriving to Barranquilla, so was being --
11 was at that point delayed.

12 Was there any additional stress on you or the
13 other crew members because of the delay in the flight?

14 A. No, no, no. Usually, we have always delays
15 most of the time. In Miami now, always. First,
16 mechanical, or then because of the hurricane or the
17 weather, no.

18 Q. The tenth question of the Respondent, do you
19 believe the fact the flight was delayed or the fact that
20 there was a pandemic affected the way that you responded
21 in this situation?

22 A. No. Neither of them. No, neither of them.

23 JUDGE RAWALD: Okay. The thirteenth question is
24 not relevant. The fourteenth question is argumentative.
25 The fifteenth question calls for speculation, I will not

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1 allow it. The sixteenth question is speculation and not
2 relevant.

3 BY JUDGE RAWALD:

4 Q. The seventeenth question, you described that
5 you've been in a flight for 34 years. How often do you
6 deal with situations involving passengers like this?

7 A. Well, this is the first time for me that I have
8 a passenger like that.

9 Q. Okay. The eighteenth question, have you
10 received training on how to handle conflicts with
11 passengers, including those who are non-revenue?

12 A. Yeah. All the passengers, for me, it's
13 supposed to be the same for every passenger, no? When I
14 go, when I use my passes, they treat me like I am
15 another, the same as others, no, as other passengers.

16 Q. Okay. The nineteenth question is, do you
17 believe your personal view about -- or assumptions about
18 non-revenue passengers or frequent flyers affected the
19 way you handled the situation with Mr. Nunez?

20 A. No, no, no. I am to every passenger the same.

21 JUDGE RAWALD: Okay. The twentieth question is
22 argumentative. I'm not going to allow it. The
23 twenty-first has already been asked and answered. The
24 twenty-second as well. The twenty-third is
25 argumentative. The twenty-fourth, I will rephrase

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1 because that's the way it's phrased.

2 BY JUDGE RAWALD:

3 Q. What was the reason for turning the plane
4 around exactly?

5 A. Sorry, what was the reason of what?

6 Q. To turn the plane around back to Colombia.
7 What was the exact reason for turning the plane around?

8 A. To -- so he could go outside the airplane.

9 Q. To get Mr. Nunez off the aircraft?

10 A. Yeah. To return because of that. Because he
11 was dangerous to go on the flight to Miami with him.

12 JUDGE RAWALD: Okay. Thank you. Ms. Sanchez,
13 we're going to put you back in the witness room for a moment
14 while I talk to the attorneys, and then I'll come back to
15 you, okay?

16 MS. SANCHEZ: Yeah, perfect.

17 JUDGE RAWALD: Okay. Ms. Booker?

18 Okay. Mr. Nunez, do you have any other additional
19 cross-examination questions you wish to be considered to
20 be asked?

21 MR. NUNEZ: I had explained to them -- and I'll
22 save it for my testimony. But I explained my -- they never
23 -- she never mentioned, you know, the -- I mentioned my
24 medical condition. I mentioned the status. I told her
25 that we were on the same team. I was trying to deflect.

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1 But no further questions, I'll save it for my testimony.

2 JUDGE RAWALD: I can ask her if she recalls you
3 mentioning your medical situation to her if you want me
4 to, sir.

5 MR. NUNEZ: Please. Because I tried to say -- I
6 tried to say that to her. But -- and then, you know, when
7 she -- when she mentioned, she put her hands in my face.
8 And, you know, she doesn't make mention of her striking me
9 on the nose.

10 And lastly, just that I tried to explain to them,
11 my father -- she said, some passenger. I said, my father
12 worked for this company for 33 years, and that -- and that
13 I understand what's going on here. I said, we are on the
14 same team, which I said in my testimony to Mr. Moon. No
15 further questions.

16 JUDGE RAWALD: Okay. So, the things I will ask
17 about will be whether she recalls her palm actually
18 coming physically in contact with your face.

19 MR. NUNEZ: Yes, sir.

20 JUDGE RAWALD: Whether she recalls you mentioning
21 your medical situation. And whether she recalls you
22 mentioning your family relationship, and the fact that
23 you, what does not -- which was a lot of reason for your
24 non-revenue status. Okay?

25 MR. NUNEZ: And -- and the fact that I was a

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1 platinum -- you know, that I wasn't -- I wasn't demanding
2 anything. I was -- I just reminded her of my status. And
3 according to the -- according to the policy of American
4 Airlines, which I had as evidence but it wasn't allowed, it
5 would have -- it would have noted that certain policies
6 regarding de-escalation was there.

7 JUDGE RAWALD: She already explained that she --
8 you mentioned that you were a gold or something, she
9 didn't know what it was, and that -- and that she didn't
10 think that, and she didn't see that that was important.
11 So, I'm not going to get anywhere by asking about that,
12 about your status, but she's already explained that to
13 me, what she remembers about it. So, I think it's
14 covered. Yes, sir?

15 MR. NUNEZ: One last thing, Your Honor.

16 JUDGE RAWALD: Yes.

17 MR. NUNEZ: They have in their exhibit, I can't
18 remember -- I'll refer to it, but there's a one, she went
19 straight to D3. But she said she didn't know, she didn't
20 know what I was, she didn't know who I was exactly, but
21 in -- in Ms. Villiers' evidence is, is the PalmPilot
22 that the first thing, the first thing that's noted is my --
23 is my flight, my privilege status, and my D3 status is
24 the -- was the last thing in evidence. I mean, the last
25 thing on that -- on that one.

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1 So, they ignored that I was a member of the
2 Admirals Club. And that's all I was trying to point
3 out, that I was a member of the Admirals Club, that I
4 was a member of -- I was a platinum passenger. I said my
5 father worked for the company for 33 years, that we're on
6 the same team. I tried to explain, and she said, and
7 again, that doesn't mean S-H-I-T here. And that's where
8 -- and plus, my condition that I had to go to the
9 bathroom. And which I'll save that part for my
10 testimony.

11 JUDGE RAWALD: Understood, sir. So, she's already
12 covered the fact that she was aware of your status but
13 she didn't understand what that meant. I can't get much
14 more out of her on that so I'm not going to beat that any
15 further. So, but I will ask those other questions I
16 mentioned.

17 So, Ms. Villiers, any objection to my considering
18 those questions before I bring them up, those topics?

19 MS. VILLIERS: Your Honor, yes, I do believe that
20 some of the questions are irrelevant.

21 JUDGE RAWALD: Okay.

22 MS. VILLIERS: So, that's the objection. If you'd
23 like me to expand?

24 JUDGE RAWALD: No. I will overrule the objection,
25 so I'm going to ask the questions.

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1 MS. VILLIERS: Right.

2 JUDGE RAWALD: Okay. But it is noted for the
3 record, so it is --

4 MR. NUNEZ: Your Honor, they made no mention to my
5 medical condition at all.

6 JUDGE RAWALD: Mr. Nunez, I understand. The
7 objection has been overruled, so I'm going to ask the
8 questions. It's important for them to put the objection
9 on the records so they can appeal it one day if I find in
10 a certain way, and that way it can be articulated that I
11 did the wrong thing.

12 So, let's bring the witness back in, Ms. Booker.

13 Okay. Ms. Sanchez, you have rejoined us, ma'am.
14 I have a few more follow-up questions for you.

15 MS. SANCHEZ: Okay.

16 BY JUDGE RAWALD:

17 Q. Do you recall Mr. Nunez explaining that he had
18 a medical condition when he was talking to you in the
19 flight?

20 A. He has a medical condition?

21 Q. Yes, ma'am. Did he ever say anything about
22 that?

23 A. No.

24 Q. Okay. The witness is shaking her head no and
25 said no.

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1 Okay. Do you -- when you mentioned putting
2 your palms up towards the witness, did you come into
3 physical contact with him at all? Did you touch his
4 face?

5 A. No, never.

6 Q. Okay. The witness said -- okay. And finally --

7 MS. VILLIERS: Excuse me?

8 JUDGE RAWALD: Yes, Ms. Villiers?

9 MS. VILLIERS: Excuse me, Your Honor. I'm sorry.
10 Ms. Habib, I think she got kicked off the Zoom and she
11 just re-entered, so I just wanted to -- so, she's
12 actually in this room now, to move her --

13 JUDGE RAWALD: Yeah. It's confusing because it's
14 Karen Habib, then it's Ms. Habib, and so it's -- so,
15 we'll keep her in the witness waiting room.

16 So, Ms. Booker, if you could put Karen Habib back
17 in here?

18 MS. VILLIERS: Thank you.

19 JUDGE RAWALD: I'm not sure if it's her or Rebecca
20 Habib. So, thank you.

21 BY JUDGE RAWALD:

22 Q. Ms. Sanchez, did Mr. Nunez mention to you that
23 his non-revenue status was due to a family member who had
24 been an employee of American Airlines?

25 A. No, he never explained me that. He was, like,

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1 ashamed of when I told him. He was, like -- he was that,
2 we don't know that, like, how do we know, no. No, he was
3 not.

4 JUDGE RAWALD: Okay. Okay. Thank you.

5 Ms. Villiers, any follow-up questions? Any
6 redirect based upon cross-examination?

7 MS. VILLIERS: Yes, Your Honor. I just have two
8 questions.

9 REDIRECT EXAMINATION

10 BY MS. VILLIERS:

11 Q. Ms. Sanchez, did Mr. Nunez mention to you that
12 he had any sort of medical condition or disability?

13 A. No.

14 Q. And also, just my final question on redirect,
15 how long were you in flight before returning to
16 Barranquilla?

17 A. I think the total, like, takeoff, like, one
18 hour. I don't remember exactly. More or less.

19 MS. VILLIERS: Okay. Thank you. No further
20 questions, Your Honor.

21 JUDGE RAWALD: Okay. With that, Ms. Sanchez, I'm
22 going to let her go back to her daily business.

23 Ms. Villiers, any questions or concerns?

24 Okay. So, Ms. Sanchez, you can go ahead and log
25 off of Zoom, and thank you for your time and testimony.

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1 Okay.

2 MS. SANCHEZ: I'm finished?

3 JUDGE RAWALD: You are done.

4 MS. SANCHEZ: Oh, yeah. Perfect.

5 JUDGE RAWALD: Ms. Booker, if you could please

6 help her get off of Zoom. Thank you.

7 MS. SANCHEZ: Yeah.

8 JUDGE RAWALD: And then, Ms. Villiers, Mr. Nunez,

9 we're going to take a break until 10:40 when we come

10 back.

11 Ms. Villiers, your next witness is going to be Ms.

12 Habib?

13 MS. VILLIERS: It will be, Your Honor.

14 JUDGE RAWALD: Ms. Villiers, please work with Ms.

15 Booker to make sure she's online, that she's working,

16 everything's good, and we'll start at 10:40 with her

17 promptly. Thank you.

18 (A recess was taken at 10:35 a.m. and

19 proceedings resumed at 10:40 a.m.)

20 JUDGE RAWALD: We're back on the record, Ms. Dunn.

21 Thank you.

22 Ms. Villiers, are you prepared for your next

23 witness?

24 MS. VILLIERS: Yes, Your Honor. At this time the

25 Complainant would like to call Ms. Rebecca Habib.

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1 JUDGE RAWALD: Okay. Bring in Ms. Habib from the
2 witness waiting room, please, Ms. Booker.
3 Ms. Habib -- so, there's a Karen Habib. It's both
4 muted and not on audio. So, okay, if you could please
5 unmute as well. Thank you.
6 Okay. Ms. Habib, if you could please raise your
7 right hand.
8 MS. R. HABIB: Rebecca Habib.
9 MS. K. HABIB: Raise your right hand.
10 JUDGE RAWALD: I'm sorry, is there someone else
11 present who's giving her advice?
12 MS. R. HABIB: Your Honor, I'm a little hard of
13 hearing. Can you speak slowly and loud, please?
14 JUDGE RAWALD: Okay. I need to know, is there
15 someone else present in the room with you before we
16 begin?
17 MS. R. HABIB: Yes.
18 MS. K. HABIB: I'm her daughter. She's using my
19 Zoom account.
20 JUDGE RAWALD: Okay. If you're going to be
21 talking to her, I need to have you both on the video as
22 well, Ms. -- ma'am.
23 MS. K. HABIB: Okay.
24 JUDGE RAWALD: Okay. Ms. Habib, if you could
25 please raise your right hand.

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1 Whereupon,

2 REBECCA HABIB

3 A witness, called for examination, having first been
4 duly sworn, was examined and testified as follows:

5 JUDGE RAWALD: Okay. Ms. Villiers?

6 MS. VILLIERS: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MS. VILLIERS:

9 Q. Good morning, Ms. Habib.

10 A. Good morning.

11 Q. Ms. Habib, can you please state your full name
12 for the record?

13 A. Rebecca Habib.

14 Q. Thank you. Ms. Habib, who is your current
15 employer?

16 A. I'm retired.

17 Q. Ms. Habib, are you familiar with American
18 Airlines Flight 1124 that occurred on June 3rd of 2022?

19 A. Yes, I remember it well.

20 Q. And how is it that you remember it well?

21 A. Okay. It all started in the VIP lounge. And
22 since it was an international flight, then we had to be
23 there like two and a half hours before. And this Mr.
24 Nunez was in the lounge, and he was very -- all the time
25 he was next to the bar and he was drinking. I don't know

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1 if he was an alcoholic or not. He appeared to be
2 drinking. And he was very, very loud, and he was
3 disturbing the peace for everyone there.

4 Q. And did you see Mr. Nunez after you saw him at
5 that time?

6 A. Say that again, Kimberly?

7 Q. Did you see Mr. Nunez after that time?

8 A. Yes. First of all, let me finish. When we
9 were in the VIP, I went to the front desk and I asked the
10 girl there, can you please call security so that they can
11 ask him to leave because he's so loud and he's so rude.
12 And they asked me, no, we cannot do that because he
13 becomes very aggressive, and this is not the last -- the
14 only time that he's done this. He's done it before.

15 JUDGE RAWALD: Ms. Villiers, just so you
16 understand, I'm not going to consider that evidence for
17 anything. It's --

18 MR. NUNEZ: Sir, Your Honor --

19 JUDGE RAWALD: In nature.

20 MR. NUNEZ: - that's hearsay.

21 JUDGE RAWALD: It's not hearsay, Mr. Nunez. It's
22 actually character evidence not admissible in this
23 proceeding. So, I'm not going to allow it.

24 Ms. Villiers, if you could please continue.

25 MS. VILLIERS: Understood, Your Honor.

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1 BY MS. VILLIERS:

2 Q. And so, Ms. Habib, after that time, when next
3 did you see Mr. Nunez?

4 A. Okay. So, they let him in the flight, and he
5 was sitting in the seat behind mine.

6 Q. Okay. And what, if any, interaction did you
7 have with Mr. Nunez?

8 A. Well, actually, he was kicking and moving my
9 chair, and it was very disturbing. It was -- you know, I
10 was having a hard time.

11 Q. And so what did you do when he was, you said,
12 kicking and moving your chair?

13 A. I wouldn't dare do anything because I thought
14 he might become aggressive with me, and I was traveling by
15 myself, so I didn't do anything.

16 Q. And Ms. Habib, why did you think he was going
17 to become aggressive with you?

18 A. He appeared to be drunk, first of all. He was
19 very, very loud, and he was very rude, and he was agitated.
20 So, I didn't -- you know, I was scared. And I'm sure
21 everybody else also was scared because it was -- everybody
22 was very, very quiet. Nobody dared to get up to go to
23 the bathroom or anything. It was like a dead silence
24 there.

25 Q. And so, Ms. Habib, I have a few follow-up

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1 questions. You said he was very loud. Who was he
2 speaking to?

3 A. Say that again, Kimberly?

4 Q. You said he was very loud. Who was he speaking
5 to?

6 A. Oh, first of all, he was, you know, very loud
7 speaking in the plane. And then he went back to the back
8 of the plane with the stewardess, and I could hear him.

9 Q. I'm sorry. And you could hear him speaking to
10 who?

11 A. To the stewardess.

12 Q. What was he saying to the stewardess?

13 A. All right, since I'm hard of hearing, I
14 couldn't hear the words he was saying, but I know that he
15 was agitated, and he was very, very loud.

16 Q. And how do you know that he was agitated? What
17 was he doing that made you think he was agitated?

18 A. Just the way he spoke. You know, like he was
19 angry.

20 Q. Okay. And so, you said you heard him speaking
21 while he was at the back of the aircraft. Did you
22 observe anything else on the flight?

23 A. All right, when I noticed it, I remember that
24 there was going to be a hurricane in Miami. And when the
25 plane turned around, everybody figured maybe the

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1 hurricane landed already and maybe we have to go back to --
2 you know, to Barranquilla. And so, I was very surprised
3 to see that the flight turned around. That's what I
4 noticed different that, you know, in that flight.

5 Q. Okay. And what happened, what else did you see
6 when the flight turned around?

7 A. So, we landed in Barranquilla and, you know, I
8 was -- I didn't know if I have to be in the hotel or stay
9 there, but when we landed, three policemen came to the
10 plane, and he removed Mr. Nunez from the plane, and
11 everybody was very relieved and they were applauding.

12 Q. Okay. And do you know why they removed Mr.
13 Nunez from the plane?

14 A. It was obvious. He was just bothering
15 everybody, the stewardess, the people. He was loud. He
16 was -- you know, you didn't know what he could do.
17 Everybody was scared.

18 Q. And when you say everybody was scared, does
19 that include you, or no?

20 A. Say that again, Kimberly?

21 Q. You just said everybody was scared, but who was
22 scared?

23 A. Well, because as I mentioned before, nobody
24 went to the bathroom the whole flight. Nobody got up and
25 then when they removed him from the plane, you know,

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1 everybody applauded, which means, you know, they were
2 relieved.

3 Q. Yes, but why were they relieved?

4 A. Because they were scared. He seemed to be
5 violent, you know what I mean? He was kind of violent.
6 He appeared to be drunk even if he wasn't. I don't know
7 if he was or he wasn't, but he appeared to be.

8 Q. You use the word violent. What made you think
9 that he was violent?

10 A. The way he was talking with his hands and, you
11 know, yelling and screaming and being rude. You didn't
12 know what he could do, actually.

13 Q. And Ms. Habib, have you ever worked for
14 American Airlines?

15 A. No.

16 Q. Okay. Do you know any of the flight
17 attendants?

18 A. No.

19 Q. During that flight?

20 A. No.

21 Q. And how did you feel once Mr. Nunez was removed
22 from the aircraft?

23 A. Say that, Kimberly?

24 Q. How did you feel once Mr. Nunez was removed
25 from the aircraft?

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1 A. I was relieved. I was relieved, definitely.

2 Q. And can you explain why were you relieved?

3 A. Because I was scared the whole flight. And
4 then when they removed him like everybody else, you know,
5 I applauded. Meaning, oh, God, now we're going to have a
6 little peace.

7 MS. VILLIERS: Understood. Your Honor, I have no
8 further questions for Ms. Habib.

9 JUDGE RAWALD: Okay. Ms. Habib, before the trial,
10 Mr. Nunez gave me a list of questions he would like to
11 ask of you. I'm going to go through each question and
12 let you know when you should answer them. Some of them
13 I'm going to be not allowing, so if I say don't answer
14 it, don't worry about answering it.

15 So, the first question from Mr. Nunez is not
16 relevant and also could be viewed as intimidating, so I'm
17 not going to allow it. The second question is not
18 relevant as phrased, but I'm going to rephrase it.

19 CROSS-EXAMINATION

20 BY JUDGE RAWALD:

21 Q. Essentially, you in your written statement said
22 that Mr. Nunez's behavior was the worst you've ever seen.
23 Could you tell me why it was the worst you've ever seen?

24 A. The worst I have seen? Mr. Nunez? I don't
25 understand the question.

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1 Q. You described Mr. Nunez's behavior as being the
2 worst you've ever seen when you wrote your statement in
3 this case. Do you still believe it to be the worst
4 you've ever seen?

5 A. Yes, it was.

6 Q. Why?

7 A. I've never seen anything like that. I've never
8 been in a flight with anybody with that -- how do you say
9 that?

10 MS. K. HABIB: Behavior.

11 A. Behavior.

12 Q. Okay. The third question -- yes, ma'am?

13 MS. VILLIERS: Excuse me, Your Honor. I just
14 would like to clarify. You mentioned her statement. I
15 believe what you are referring to is the record of telephone
16 conversation with the aviation safety inspector, so I
17 just wanted to clarify that.

18 JUDGE RAWALD: Okay. Thank you. Questions 3, 4,
19 and 5 are all argumentative and don't give me any actual
20 relevant evidence. I'm not going to allow them.
21 Question 6 is calls for speculation, I'm not going to
22 allow that.

23 BY JUDGE RAWALD:

24 Q. And Question 7. Do you know whether the staff
25 at the VIP lounge had any complaints about Mr. Nunez's

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1 behavior?

2 A. (Spanish Response.)

3 MS. K. HABIB: Did the staff at the VIP lounge
4 have any complaints about Mr. Nunez?

5 MS. R. HABIB: Well, I have no idea. But since
6 they did -- yeah.

7 JUDGE RAWALD: If you don't know, that's okay. I
8 just wanted to ask, did you know? If you do not, you do
9 not know. So, you said, I do not know. Then that's
10 fine.

11 BY JUDGE RAWALD:

12 Q. So, did you see him -- you have described Mr.
13 Nunez's behavior in the lounge as disruptive. Did you
14 see anyone from the staff at the lounge talk to him about
15 his behavior?

16 A. I wasn't looking, but I asked them if they can
17 remove him, and they told me this is not the first time
18 and they wouldn't dare ask him to leave.

19 Q. Okay.

20 A. So, I guess they were not very happy either.

21 JUDGE RAWALD: Okay. The ninth question calls
22 speculation. The tenth one is one that I will rephrase.

23 BY JUDGE RAWALD:

24 Q. You mentioned that Mr. Nunez appeared to be
25 intoxicated to you. If you were told that he had passed

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1 a breathalyzer test after being removed from the
2 aircraft. Would that change your perception of his
3 behavior at all?

4 A. Would it change the perspective of what?

5 Q. Your perception of what happened if you found
6 that he was not, in fact, intoxicated.

7 A. I don't understand the question.

8 MS. K. HABIB: If you knew that he was not, in
9 fact, drunk, would it change your perception of him and what
10 happened?

11 MS. R. HABIB: I don't think anybody should behave
12 like this, whether they're drunk or not is my point of
13 view.

14 JUDGE RAWALD: Okay. The twelfth question I'm not
15 going to ask. The eleventh question I'm not going to ask
16 because it's not relevant. The twelfth question calls
17 for speculation and argumentative in nature.

18 BY JUDGE RAWALD:

19 Q. The thirteenth question, you talked about the
20 flight was delayed for a number of hours, and during that
21 time, you had time to complain about Mr. Nunez's behavior
22 to the folks in the VIP lounge. Did you consider talking
23 to the police themselves about what you viewed to be
24 unsafe behavior by Mr. Nunez?

25 MS. R. HABIB: (Spanish Response.)

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1 MS. K. HABIB: And did you consider talking to the
2 police at the VIP lounge?

3 MS. R. HABIB: It wasn't my responsibility to do
4 that. There were people in the front desk, and I asked
5 them to do something about it and they didn't. So, you
6 know, I just -- you know, I didn't consider.

7 BY JUDGE RAWALD:

8 Q. The fourteenth question requires some
9 rephrasing.

10 Ms. Habib, when you got aboard the plane and
11 saw that Mr. Nunez was sitting behind you, how did that
12 make you feel?

13 A. (Spanish Response.)

14 MS. K. HABIB: Behind you, how did that make you
15 feel?

16 MS. R. HABIB: Of course I was very scared, but I
17 couldn't ask to be changed seats because the plane was
18 full.

19 BY JUDGE RAWALD:

20 Q. Did you consider asking to not be on the plane
21 because you felt this person was unsafe? Did you
22 consider saying, I don't want to fly?

23 MS. K. HABIB: Did you consider saying, I'm not
24 getting on the plane with that --

25 MS. R. HABIB: No. The thing is that I had to go

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1 home, you know, and that was the last flight because of
2 the hurricane so I had to be in that flight.

3 JUDGE RAWALD: The fifteenth question --

4 MS. R. HABIB: The captain didn't even give me
5 time to prepare or anything because, you know, we stayed in
6 line, like, another hour or so before he took off again.

7 BY JUDGE RAWALD:

8 Q. Okay. On the fifteenth question, I'm going to
9 rephrase.

10 Did you consider talking to the captain or the
11 crew about your concerns with Mr. Nunez's behavior in the
12 VIP lounge?

13 A. This is not my responsibility to do that. And
14 if I complain, you know, it was to the stewardess, but I
15 knew they were stressed. And, you know, they see an old
16 lady going to the captain, you think they're going to let
17 me talk to him? No way.

18 Q. Okay. So, even though you felt unsafe upon
19 seeing Mr. Nunez, you didn't say anything to anyone about
20 your concerns that you felt unsafe?

21 MS. K. HABIB: Did you say anything to anybody
22 that you felt unsafe?

23 MS. R. HABIB: No, because I saw he was back there
24 and they were having like their own argument, so there
25 was nobody to complain in the plane at that moment.

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1 BY JUDGE RAWALD:

2 Q. Okay. I understand. And that answers the
3 sixteenth question as well. Question 16, I'm going to
4 rephrase, because Ms. Habib has testified slightly
5 differently than what this question assumed.

6 Ma'am, you explained that you thought he appeared
7 intoxicated based upon his actions. Can you explain
8 exactly why you thought he was intoxicated? What made
9 you think he was drunk?

10 A. (Spanish response.)

11 MS. K. HABIB: Why did you think he was
12 intoxicated?

13 MS. R. HABIB: Well, he was very loud, he was
14 agitated, and he was a little aggressive.

15 BY JUDGE RAWALD:

16 Q. Okay. Do you have any sort of professional
17 qualification or training regarding identifying people
18 who are drunk, ma'am?

19 A. Training for what?

20 MS. K. HABIB: To identify people who are drunk.

21 MS. R. HABIB: No, I do not.

22 BY JUDGE RAWALD:

23 Q. Okay. Thank you. And the eighteenth question,
24 you did mention that you heard the argument in the back
25 of the plane between Mr. Nunez and the flight attendants,

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1 but you could not hear it well because of your hearing;
2 is that correct?

3 A. Yes. I couldn't understand the words, but I
4 could hear the noise and the loudness. You know, like
5 people talking loud.

6 Q. Okay. Were both Mr. Nunez and the flight
7 attendants yelling or only Mr. Nunez?

8 A. (Spanish response.)

9 MS. K. HABIB: Were both Mr. Nunez and the flight
10 attendants being loud or only Mr. Nunez?

11 MS. R. HABIB: I can't recall.

12 JUDGE RAWALD: Okay. Number 19 calls for
13 speculation.

14 BY JUDGE RAWALD:

15 Q. Number 20, when Mr. Nunez was taken off the
16 aircraft, do you recall if he was peaceful, or was he
17 belligerent as he left the aircraft?

18 MS. K. HABIB: When they pulled him off the plane,
19 was he peaceful or belligerent as they took him off the
20 plane?

21 MS. R. HABIB: Belligerent? He went peacefully,
22 yes. I mean, you have two policemen on each side, yes.

23 BY JUDGE RAWALD:

24 Q. So, when he was removed from the aircraft, how
25 do you remember who was with him when he was removed from

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1 the aircraft?

2 MS. K. HABIB: Who was with him when he was
3 removed from the aircraft?

4 MS. R. HABIB: No, just the two policemen, as I
5 recall.

6 JUDGE RAWALD: Okay. Ms. Booker, if you could
7 please show the video of C-15 on the screen, please.

8 MS. R. HABIB: (Spanish response.)

9 MS. K. HABIB: They're going to show the evidence.

10 MS. R. HABIB: (Spanish response.)

11 MS. K. HABIB: They're going to start the
12 evidence.

13 MS. R. HABIB: Okay.

14 (Exhibit C-15 video was played.)

15 MS. K. HABIB: This is just to see if you can
16 recall.

17 JUDGE RAWALD: There is no volume, ma'am. It's
18 just us watching this video. So, just hold on a minute.

19 Okay. Ms. Booker, if you could please stop the
20 video.

21 BY JUDGE RAWALD:

22 Q. Ma'am, do you recognize the person departing
23 the aircraft in that video?

24 (No response.)

25 JUDGE RAWALD: Ms. Habib, are you frozen? It

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1 seems like her screen may be frozen.

2 MS. R. HABIB: Yes --

3 JUDGE RAWALD: Okay. Ms. Habib, we're having
4 trouble with your connection. Okay. Now you're back.

5 BY JUDGE RAWALD:

6 Q. Ms. Habib, do you recognize the person in that
7 video who was departing the aircraft?

8 A. No.

9 MS. K. HABIB: Do you recognize the person exiting
10 the plane in the video?

11 MS. R. HABIB: From the back? No.

12 JUDGE RAWALD: No, you do not? Okay. So, okay.
13 Thank you. Question 21 is not relevant. Question 22 is
14 irrelevant.

15 BY JUDGE RAWALD:

16 Q. Question 23. Do you know what drinks
17 specifically Mr. Nunez was drinking in the VIP lounge?

18 MS. K. HABIB: Do you know what drinks he was
19 drinking in the VIP lounge?

20 MS. R. HABIB: No way. No, I don't know.

21 BY JUDGE RAWALD:

22 Q. Okay. And I think you said before that you
23 didn't know if they were alcoholic or not, is that right?
24 You did not know if he was drinking alcohol, correct,
25 ma'am?

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1 MS. K. HABIB: You don't know if he was drinking
2 alcohol at the VIP lounge?

3 MS. R. HABIB: No, that's why I said he appeared
4 to be drunk. I don't know if he was drunk or he was
5 drinking.

6 JUDGE RAWALD: Thank you. Question 24 has been
7 asked and answered already. Question 25 is not relevant
8 or admissible. Okay. 26 is argumentative. 27 is
9 argumentative based on the evidence that we have before
10 us.

11 BY JUDGE RAWALD:

12 Q. Did you or are you aware of any media or
13 web-based articles regarding this incident that you were
14 part of that day?

15 MS. K. HABIB: Do you recall any newspaper
16 articles or media coverage of the incident?

17 MS. R. HABIB: Yeah, the next day. The next day I
18 was -- you know, the whole incident was in the newspaper.

19 BY JUDGE RAWALD:

20 Q. Okay. Are you aware that at least one news
21 outlet published a retraction of their version of the
22 events of that day?

23 MS. K. HABIB: Were you aware that one publication
24 published a retraction? They took it back.

25 A. I don't know.

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1 Q. Okay. Knowing now, as I've told you, that one
2 news outlet has retracted their version of the events,
3 does that affect your perception of what happened?

4 JUDGE RAWALD: Ms. Villiers, do you have an
5 objection?

6 MS. VILLIERS: Yes.

7 JUDGE RAWALD: Okay. Objection overruled.

8 BY JUDGE RAWALD:

9 Q. Ma'am, does it affect your memory knowing that
10 today that I've told you there was a retraction by one
11 news outlet?

12 MS. K. HABIB: Does it change your opinion of the
13 incident knowing that one newspaper retracted?

14 MS. R. HABIB: It doesn't make any difference to
15 me because I'm telling you my experience with this Mr.
16 Nunez. It was very, very unpleasant, and I don't know
17 anything about the newspapers. I'm sorry.

18 BY JUDGE RAWALD:

19 Q. Okay. And that is fine. The 30th question is,
20 do you believe that your memories or your recollection of
21 events have been affected by anything you read in the
22 media afterwards?

23 A. What?

24 MS. K. HABIB: Does your recollection of the
25 incident, was it affected by what you read in the media

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1 afterwards?

2 MS. R. HABIB: No.

3 JUDGE RAWALD: Okay. And the 31st question
4 assumes facts that are not in evidence.

5 Okay. Ma'am, Ms. Habib, we're going to put you
6 back in the witness waiting room while I talk to Mr. Nunez
7 and Ms. Villiers momentarily, and then we'll bring you back
8 in. Okay?

9 So, Ms. Booker, if you could move Ms. Habib to a
10 waiting room.

11 Okay. Mr. Nunez, based on those questions and
12 what you've heard from Ms. Habib, what other areas do you
13 think need to be covered with her?

14 MR. NUNEZ: Your Honor, can we admit my
15 evidence, which is the forward view of that same video,
16 which shows --

17 JUDGE RAWALD: It has already been admitted. Do
18 you want to show it to her?

19 MR. NUNEZ: Yeah, I want to show it to her,
20 because she says she doesn't know, she doesn't recognize me.
21 She said I was escorted by two police officers. That
22 gentleman is Nick Flores. My father gave him a job, just
23 so you know, Your Honor.

24 JUDGE RAWALD: That's fine. I won't consider that
25 fact in evidence because you are not under oath, but I

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1 will certainly show her the video.

2 MR. NUNEZ: Thank you. Thank you, Your Honor.

3 JUDGE RAWALD: So -- and so, Ms. Booker will bring
4 that up.

5 So, anything else you wish to cover on that yet?

6 MR. NUNEZ: Just one thing, Your Honor. And I
7 can't remember exactly what question it was, but about
8 raising the fear. You know, the police -- the Colombian
9 police were right outside the door. I know you alluded to
10 that. She had ample opportunity. She said that the
11 manager, they were afraid of me not to -- you know, they
12 didn't tell me anything.

13 JUDGE RAWALD: But your point is already made,
14 sir, which is that if she's so afraid, she didn't tell
15 anyone else but that manager. And so, that's clear. And
16 she's agreed that she didn't tell anyone else but that
17 manager. And she --

18 MR. NUNEZ: She had ample amount of -- go ahead,
19 Your Honor.

20 JUDGE RAWALD: And that argument has already been
21 made clear. I don't think there are any more questions
22 to be asked at this point about that issue.

23 MR. NUNEZ: No, just --

24 JUDGE RAWALD: Any objection to my showing her the
25 video and asking her if she recognizes Mr. Nunez from the

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1 front in that video?

2 MS. VILLIERS: No, Your Honor.

3 JUDGE RAWALD: Yes, okay. We'll bring that back,
4 and we will, of course -- so, Ms. Booker will be showing
5 R5(a) to the witness.

6 Okay. Let's bring back Ms. Habib, please.

7 Ms. Habib, you are back with us, and so we have
8 you back on the record.

9 Ma'am, we're going to show you one more video, and
10 I'm going to ask you if you recognize the people on the
11 video.

12 Ms. Booker, if you could please play R5(a) for us,
13 please. The video may be somewhat small, but if you can
14 see it.

15 (Exhibit R5(a) video was played.)

16 JUDGE RAWALD: Okay. So, let's go ahead and take
17 that back down, Ms. Booker.

18 BY JUDGE RAWALD:

19 Q. Ma'am, having seen the video now of the person
20 being removed from the flight from the front, do you
21 recognize that person?

22 MS. K. HABIB: Do you recognize him now that
23 you've seen it from the front?

24 MS. R. HABIB: He looks -- he looks different now
25 that I look at him. But, of course, he seems, you know,

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1 dressed up and everything, too.

2 MS. K. HABIB: From that day -- from that day, do
3 you recognize him?

4 BY JUDGE RAWALD:

5 Q. In the video, did you recognize the man who was
6 walking off the airplane?

7 A. Yes.

8 Q. Was that the man you were discussing with me
9 before?

10 MS. K. HABIB: Was this the same man you were
11 talking about, the guy from that day?

12 MS. R. HABIB: Yes.

13 BY JUDGE RAWALD:

14 Q. You would agree, ma'am, there was no police
15 officers there with him as he was leaving the airplane,
16 would you not?

17 MS. K. HABIB: There was no police officers as he
18 was leaving the plane?

19 MS. R. HABIB: No, definitely there was.

20 JUDGE RAWALD: But in the video you just saw --

21 MS. R. HABIB: In the video, no. You did not see
22 any police officers there, but there were policemen,
23 definitely. They came up to the plane. There was one in
24 the front, one in the back. I think there were two or
25 three policemen.

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1 JUDGE RAWALD: Okay. Thank you, ma'am. So,
2 that's all the questions I have.

3 Ms. Villiers, any further questions for her?

4 MS. VILLIERS: Yes, Your Honor. Just a few
5 questions.

6 REDIRECT EXAMINATION

7 BY MS. VILLIERS:

8 Q. Ms. Habib, in your testimony, you mentioned the
9 flight attendants looked stressed. What do you mean by
10 look stressed? What were you referring to?

11 A. I mean, everybody looked like they were scared,
12 you know? Like they didn't know what to expect from this
13 person.

14 Q. Okay. Was there something else besides Mr.
15 Nunez happening on the aircraft? Why they looked, you
16 said, stressed, and you used the word scared?

17 A. Was there anything else, you mean?

18 Q. Yeah. Was there anything else happening, why
19 they looked stressed or scared?

20 A. No.

21 JUDGE RAWALD: That's calls for speculation,
22 really, but I'll allow it since you already answered. Okay.

23 MS. VILLIERS: Just one final question, Your
24 Honor, and this is just to clarify for the record.

25 BY MS. VILLIERS:

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1 Q. Did you actually see Mr. Nunez drinking, Ms.

2 Habib?

3 A. In the VIP?

4 JUDGE RAWALD: Hold on. Drinking alcohol, is that
5 what you mean?

6 MS. VILLIERS: Just, well, I mean, she wouldn't
7 know what's in the cup --

8 JUDGE RAWALD: Consuming a beverage in some way.

9 BY MS. VILLIERS:

10 Q. Yes. Consuming a beverage. Did you see him
11 drinking anything?

12 A. I saw him drinking, yes. I didn't know what he
13 was drinking, though.

14 MS. VILLIERS: Okay. Understood. Your Honor, no
15 further questions for Ms. Habib.

16 JUDGE RAWALD: Okay. Then we can let Ms. Habib
17 go?

18 Ms. Villiers, you're okay with that? I'm going to
19 let her go.

20 MS. VILLIERS: Yes, Your Honor.

21 JUDGE RAWALD: Ms. Habib, you can go ahead and log
22 off the Zoom. Thank you for your time and testimony.

23 MS. R. HABIB: Okay. Thank you, Your Honor.

24 JUDGE RAWALD: Okay. Mr. Nunez, just because
25 you're not familiar with my practice and probably haven't

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1 read all my opinions in these cases, I do want you to
2 understand that when a witness says something that's
3 completely contradicted by evidence, I, of course
4 consider it as part of my credibility as a witness.

5 Obviously, this witness testified to the fact that
6 there were police officers with you. We have video
7 evidence showing there were no police officers with you.
8 I will consider that evidence. Nothing else needs to be
9 said about that, but you can, of course, argue that later
10 on. Okay.

11 Ms. Villiers, what is next?

12 MS. VILLIERS: Your Honor, we would like to call
13 FAA Aviation Inspector Ronny Moon.

14 JUDGE RAWALD: Okay. And before we call Mr. Moon,
15 I do want to be clear on the record about what's happening
16 with the cross-examination questions that I did ask for
17 Mr. Nunez. I tried to be careful about reflecting what
18 ones I was asking or not asking.

19 For clarity, the file names themselves are going
20 to be Final Questions for Habib B4B.PDF and R's Final
21 Version of Questions for FAA.PDF. Both those files will
22 be sent to Ms. Villiers and the hearing docket after this
23 hearing today to be added to the docket as well as for
24 Ms. Villiers' records.

25 So, okay, with that being said, let's turn to Mr.

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1 Moon.

2 Mr. Moon, if you could please raise your right
3 hand.

4 Whereupon,

5 RONNY MOON

6 A witness, called for examination, having first been
7 duly sworn, was examined and testified as follows:

8 JUDGE RAWALD: Okay. Thank you. Ms. Villiers,
9 your witness.

10 DIRECT EXAMINATION

11 BY MS. VILLIERS:

12 Q. Thank you. Good morning, Mr. Moon.

13 A. Good morning.

14 Q. Can you state your full name for the record?

15 A. Yes, it's Ronny Moon.

16 Q. And who is your current employer?

17 A. The FAA, Federal Aviation Administration.

18 Q. And how long have you been employed with the
19 FAA?

20 A. I've been employed 13 years.

21 Q. And what is your position with the agency?

22 A. I'm an Aviation Safety Inspector, Cabin Safety
23 Inspector Specialty.

24 Q. And what do you mean by Cabin Safety Inspector
25 Specialty?

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1 A. That means that I was a flight attendant my
2 previous life career for 20 years at Southwest Airlines,
3 and then I retired and moved over to the FAA. So, I
4 focus mainly on the cabin flight attendants, but I have
5 been trained in the cockpit as well, and I do check rides
6 on flight attendants and pilots. Check ride means
7 observations, make sure they're played by the
8 regulations.

9 Q. Thank You. And how long have you been a cabin
10 safety specialty at the agency?

11 A. At the agency, American Airlines CMO, it's been
12 13 years. But for four of those years, I was on a
13 Special Agent detail, Unruly Passenger Task Force, for
14 four years. And I came back last October, but all 13
15 years I was a cabin safety ASI, but I was on a detail for
16 four years, specifically.

17 Q. Thank you. So, I have two questions for you.
18 First, what are your responsibilities as an ASI of cabin
19 safety -- with a cabin safety specialty?

20 A. There are multiple things I do. We observe
21 American Airlines training, make sure they're going by
22 all the regulations. We do check rides, like I said, on
23 pilots and flight attendants, from Dallas to wherever, go
24 back and forth, and just observe and make sure that
25 they're doing everything correctly. I do also hotline

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1 complaints.

2 Now, my detail is over with the unruly
3 passenger task force, so now the CMO, which is a
4 Certificate Management Office I work for back in
5 American, we now also handle unruly passenger events that
6 the individual specific airlines get. Also, I get
7 hotline complaints from Washington, which is customer
8 complaints. If they have issues, they write into
9 Washington. I have to interview, investigate, and see if
10 the airline did anything wrong.

11 Also, I do airport checks, maintenance
12 checks, ramp checks, meaning observing those employees as
13 well. We oversee American to make sure everything is done
14 correctly.

15 Q. Okay. Thank you. And you mentioned that you
16 said handle unruly passenger cases. What do you mean by
17 handle?

18 A. Handle cases, my front line manager will get an
19 air traffic control report, which is really generic.
20 They will assign it to someone in the office. I get that
21 assignment and then I begin an investigation. If they
22 say a passenger struck a flight attendant or whatever,
23 it's very generic. It doesn't get detailed, so I have to
24 request and investigate, get criminal reports, ask
25 American Airlines to be clear, documentation, all the

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1 information I need.

2 And after I get all that information, I have to
3 decide, does it warrant a violation of any regulation?
4 If no, we close it. Or if we feel there's enough
5 evidence that there could be a violation, we move
6 forward.

7 Q. Understood, thank you. And then you also
8 mentioned that you did a detail. Can you, just to
9 clarify the record, say where you did this detail? What
10 was the detail?

11 A. The detail was a Special Agent on the Unruly
12 Passenger Task Force. They were a group of 15 ASIs,
13 CSIs, that were specifically -- because there were so many
14 going on during the COVID period and so forth, we were
15 getting so many unruly passenger events, the CMOs, the
16 offices, couldn't handle them all. So, they took our
17 group, created, and that's all we did for four years,
18 just worked on these type of events.

19 Q. And just to clarify for the record, when you
20 say you worked on these type of events, what do you mean?

21 A. We do an enforcement report. We investigate
22 the situation, the event. We look for if there are
23 possible violations of regulations. Then we do the
24 reports, we document it, we create a package for AGC, the
25 legal team in Washington. And then we prepare all the

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1 information and then we supply it to the AGC, which is
2 the legal department in Washington, and they take it from
3 there and we step back. We notify if we believe there
4 could be a violation or not.

5 Q. Inspector Moon, you are going in and out.

6 MS. VILLIERS: Your Honor, are you able to hear
7 Mr. Moon?

8 JUDGE RAWALD: I can hear him. He's moving around
9 for his microphone, although it's causing a little
10 difficulty. And I think Ms. Dunn is getting him fine.

11 MS. VILLIERS: Okay. Perfect.

12 BY MS. VILLIERS:

13 Q. Inspector Moon, have you testified in a court
14 proceeding before today?

15 A. Yes.

16 Q. Okay. Have you testified as an FAA employee in
17 a court proceeding before today?

18 A. Yes, I have.

19 Q. Okay. And how are you familiar with the
20 incident that occurred with American Airlines Flight 1124
21 on June 3, 2022?

22 A. This was an event that we received from the
23 Washington Operations Center. My front line received it,
24 and then he forwarded it on to me in an assignment.
25 That's how I found out about it. It was a very vague --

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1 I documented in the EIR package what it looked like. But
2 yeah, it's just very basic information that will begin
3 our investigation.

4 MS. VILLIERS: Your Honor, if I may turn your
5 attention to Exhibit C-1.

6 JUDGE RAWALD: Okay. Would you like to have it
7 brought up?

8 MS. VILLIERS: Yes, thank you.

9 JUDGE RAWALD: Okay. Ms. Booker, could you bring
10 up C-1, please? Okay. And C-1 is on the screen.

11 BY MS. VILLIERS:

12 Q. Inspector Moon, do you recognize this document?

13 A. Yes, this is the initial notification from the
14 Washington Operations Center that my front line received.

15 Q. Okay. And did you review this document?

16 A. Correct. I have read it.

17 Q. And so what did you do after you reviewed this
18 document?

19 A. After reading this document, the main thing
20 that stood out real quick is returning back to Colombia
21 due to a Level 2 disturbance. At that point, that is
22 enough information for us to move forward to at least
23 begin the investigation to get all the documentation,
24 evidence to confirm or deny a violation occurred.

25 Q. And Inspector Moon, you mentioned a Level 2

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1 disturbance. What does that mean?

2 A. American Airlines has a four-level disturbance
3 they go by in their manuals. A Level 1 is someone who is
4 being disruptive, just loud and so forth. A Level 2
5 would be physical touching, physical contact, or
6 threatening behavior. Level 3 is life-threatening
7 behavior. And Level 4 is a breach of contact or attempt
8 to -- breach a cockpit. I'm sorry. Breach of cockpit.
9 And that's what flight attendants and pilots decide which
10 way they're going to go with their procedures.

11 Q. Okay. So, what did you do next once receiving
12 this notification?

13 A. When I received this notification, I saw enough
14 evidence to move forward with -- at least, off both
15 sides, because it's from a neutral party in this
16 investigation. I wanted to give both sides enough time
17 to get their evidence, so I sent an RFI for information
18 to American Regulatory Affairs to get crew reports and
19 witness statements and all that, as well as we began to
20 send out a letter of investigation to Mr. Nunez to let
21 him get his side of the story.

22 Q. Understood.

23 MS. VILLIERS: Your Honor, if I may bring up for
24 the witness and turn to your attention Exhibit C-3.

25 JUDGE RAWALD: Okay. C-3, please. C-3 is on the

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1 screen.

2 BY MS. VILLIERS:

3 Q. Inspector Moon, do you recognize this document?

4 A. Yes, this is the Regulatory Affairs package
5 American sent me with all the information I requested.

6 MS. VILLIERS: Okay. Your Honor, if we could, if
7 Ms. Booker could just kind of scroll so we can see the,
8 just, full document. Thank you.

9 JUDGE RAWALD: Ms. Villiers, just to be clear,
10 I've obviously -- I've read all the documents. I'm going to
11 read it. I want him to go over it for me, but there's no
12 reason to belabor it.

13 MS. VILLIERS: Understood. Understood, Your
14 Honor.

15 JUDGE RAWALD: Okay.

16 BY MS. VILLIERS:

17 Q. And so, what -- what did this, what next did you
18 do in your investigation, Mr. Moon?

19 A. Well, at this point, like I said, the letter of
20 investigation had already been sent out to Mr. Nunez. At
21 this point, I had reached out because there was the
22 witness statement, or I had a witness phone number which
23 was Ms. Habib. Which they didn't give me the report, so
24 I did call her and -- which I showed in the evidence of
25 the record of telephone call, is how we document that.

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1 And then at that point -- at that point, we just went
2 forward.

3 MS. VILLIERS: Understood. And, Your Honor, if
4 I --

5 MR. MOON: Sorry. I should say, by reading the
6 reports, reading all this whole package, by that evidence
7 it looked like we had enough evidence to move forward
8 with a possible violation.

9 MS. VILLIERS: And, Your Honor, if I may turn your
10 attention to Exhibit C-6.

11 JUDGE RAWALD: Okay. C-6, Ms. Booker?

12 C-6 is now on the screen.

13 BY MS. VILLIERS:

14 Q. Mr. Moon, do you recognize this document?

15 A. Yes, this is the crew report from Rosa Selly.
16 She was the number one flight attendant/purser/lead.
17 There's three different verbiages that people use. It's
18 just the flight attendant who works at the front of the
19 cabin. They deal with the pilots and do all the
20 paperwork. This is her report.

21 Q. Okay. And did you review this report?

22 A. Yes, I did.

23 Q. And what impact did this have on your
24 investigation once you reviewed this report?

25 A. By reading this report, and while still waiting

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1 for Mr. Nunez's information, that there is possible
2 violation of 121.580, which is interference with crew
3 duties.

4 Q. And based on your investigation, why did you
5 think that?

6 A. The whole investigation or just this report?

7 Q. I'm sorry, I couldn't hear you clearly.

8 JUDGE RAWALD: He asked the whole package or
9 simply this exhibit, C-6?

10 MS. VILLIERS: Just simply this exhibit.

11 MR. MOON: I looked at the part where the
12 passenger was screaming, being disrespectful, and then when
13 given the -- whenever they advised him -- it's PIDR,
14 passenger in-flight disturbance report, when they gave it to
15 him that he still was combative and argumentative.

16 MS. VILLIERS: Okay.

17 MR. MOON: And that form, it does tell him the
18 consequences of the behaviors that they said he was
19 doing.

20 MS. VILLIERS: Understood. And, if Your Honor, if
21 we could turn to exhibit C-5.

22 JUDGE RAWALD: Okay. C-5, Ms. Booker? It's now
23 on the screen.

24 BY MS. VILLIERS:

25 Q. Mr. Moon, do you recognize this exhibit?

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1 A. Yes, this is Captain Jaffe's report. The
2 captain.

3 Q. And, what impact, if any, did this have on your
4 investigation?

5 A. This one also gave me enough information to
6 move forward. The return back to the gate is a big
7 event. There could be possible delays, financial issues
8 with the company and other passengers, so the return back
9 to the gate is a big one for me.

10 Also, the threat level 2, because that's just
11 going up a little bit higher and now that's possible
12 physical threat whenever there's a threat to a flight
13 attendant. That is one of the key things of regulation
14 121-580, is threatening or interfering.

15 Q. So, why did you say that turning back the
16 aircraft you said is a big one for you? What do you mean
17 by that?

18 A. Well, that is a big inconvenience for the whole
19 aircraft. Passengers, flight attendants, pilots. When a
20 flight has to return back to gate or go back to the
21 original airport, like I said, that causes further
22 delays, fuel, gate space, missed connections. So,
23 there's lots of issues. It's not just the crew, the
24 American Airlines. Now we're interfering with
25 passengers' lives and connections. They might get stuck

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1 at that airport. Like Ms. Habib said earlier, that was
2 the last flight. If they can't get back out, everybody's
3 stuck.

4 Q. So, you mentioned an inconvenience to
5 passengers. Are you aware approximately how many
6 passengers were on this flight?

7 A. On this flight, it was an A319, capacity of
8 128. I believe there was 112.

9 JUDGE RAWALD: Ms. Villiers, I'm not worried about
10 the interference of passengers' life. It's interference
11 with the crew members' performance of duties. Let's
12 focus on that, okay?

13 MS. VILLIERS: Understood, Your Honor. My
14 question was just related to, kind of, the amount of the --

15 JUDGE RAWALD: I understand, but let's move on.

16 MS. VILLIERS: Okay. Understood.

17 BY MS. VILLIERS:

18 Q. And did you review any other evidence from any
19 of the other flight attendants?

20 A. Yes, I've read all the reports.

21 Q. Okay. And so, based on your reading of the
22 reports, how did that impact your investigation?

23 A. It confirmed, in my opinion, that there was a
24 violation 121.580.

25 JUDGE RAWALD: Ms. Booker, if you could please

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1 bring down the exhibits.

2 Okay. Ms. Villiers?

3 MS. VILLIERS: Thank You.

4 BY MS. VILLIERS:

5 Q. And by mentioning 121.580, Mr. Moon, what do
6 you mean?

7 A. The crew member duties, there are multiple.
8 Like, they had spoke earlier of the duties, they included
9 just the basic customer service is part of a flight
10 attendant's duty, and that was not done. So, the whole
11 aircraft, 112 passengers, did not get drink service.
12 That's part of the flight attendants' duties.

13 Security duties, safety duties, like they
14 mentioned as well, were not able to be accomplished
15 because they weren't coming out of the galley. They had
16 even put the cart up and they were staying back in the
17 galley, so they weren't able to walk the cabin and check
18 for compliance, make sure all safety features are going,
19 all the security aircraft and just do their normal safety
20 security checks through the cabin. They stayed in the
21 back galley because they were afraid of Mr. Nunez.

22 Q. And based on your experience, besides the ones
23 that you listed, what are some other flight attendant
24 duties or what are some other duties that flight
25 attendants would carry out during that time?

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1 A. Well, it's crew duties, so it would also
2 include the pilots. And that is also very important
3 because pilots, as we know, it's a big job flying a big
4 plane with a lot of people, so safety is -- they need to
5 be aware of at all times. When crew members stop what
6 they're doing, their duties, their service, and they're
7 calling the captain and advising the captain of what they
8 see or what they think, that now is taking the pilots out
9 of safety mode, and now they're going and looking through
10 their manuals and trying to figure out Level 2, as the
11 captain said, Captain Jaffe. He now knows that it's a
12 Level 2, and he follows standard operating procedures for
13 a Level 2. So, he's taking his focus off ahead of him,
14 out the windows, and he's looking down and talking to air
15 traffic control and getting dispatched figuring out this
16 return to gate. So, it takes everybody out of their
17 element when you have this type of event.

18 Q. Understood. And this flight, you know, based
19 on your investigation, what type of flight was it?

20 A. You mean commercial revenue flight?

21 Q. Correct.

22 A. I didn't understand the question, but it's a
23 commercial 121 revenue flight.

24 JUDGE RAWALD: Right. I think her question was
25 regarding whether it was covered by 121, sir.

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1 MR. MOON: Yes, 121 commercial.

2 BY MS. VILLIERS:

3 Q. And based on your investigation, what did the
4 captain do -- what did the captain do once he initiated
5 the level 2 threat?

6 A. After speaking with the crew?

7 Q. Sir, based on your investigation, what did the
8 captain do when he initiated a level 2 threat?

9 A. He made a call to Dispatch and Air Traffic, and
10 he made the decision to return back to Colombia, the
11 airport.

12 Q. Okay. And what happened when he returned back
13 the aircraft?

14 A. He requested law enforcement to meet the
15 aircraft to remove Mr. Nunez.

16 Q. And do you know if law enforcement -- based on
17 your investigation, do you know if law enforcement in
18 fact met the aircraft?

19 A. Yes, they did meet the aircraft.

20 Q. And how do you know this?

21 A. By speaking to the gate agents. Yes, and just
22 experience of four years of doing it, they stay at the
23 jetway door, because American Airlines procedures, if
24 they're not physically combative they will come on board
25 and leave with management so it causes less chaos. They

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1 will come on board, and if the passenger will not leave
2 the aircraft on their own will, that's when police come
3 on.

4 Q. Understood. Thank you for clarifying. And so,
5 based on your investigation -- sorry, Your Honor, strike
6 that.

7 Based on your investigation, what action, if
8 any -- any other action was taken against Mr. Nunez?

9 A. Mr. Nunez himself advised me in his response to
10 my letter of investigation that he was no longer able to
11 fly on American Airlines. He was on the do not fly list,
12 which has nothing to do with FAA, but he did advise me
13 that.

14 Q. Okay. And based on your experience, what does
15 the do not fly list mean?

16 A. It means he can no longer make reservations and
17 travel on American Airlines.

18 Q. Okay. Perfect --

19 A. You're good.

20 Q. And based on your investigation, or at the time
21 of the -- well, strike that.

22 Are you aware -- are you aware if he's allowed
23 to travel on American Airlines at this time?

24 JUDGE RAWALD: I'm not sure that's relevant,
25 Counsel. Let's focus on the issue.

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1 MS. VILLIERS: Understood. Understood, Your
2 Honor.

3 I have no further questions for Inspector Moon at
4 this time, Your Honor.

5 JUDGE RAWALD: Okay. Mr. Nunez, you have
6 questions for Mr. Moon?

7 MR. NUNEZ: Yes, I do, Your Honor. I'll do my
8 best -- I'll do my best not to mess it up.

9 CROSS-EXAMINATION

10 BY MR. NUNEZ:

11 Q. Inspector Moon, good morning. How are you?

12 A. I'm good.

13 Q. Okay. Okay. Inspector Moon, during your
14 investigation, do you recall informing me that you
15 contacted the general police number in Bogota, Colombia?

16 A. I did not recall that.

17 Q. Okay. Okay. At the time, did I suggest that
18 the appropriate police department to contact would be the
19 airport police in Barranquilla where the flight landed?

20 A. Correct.

21 Q. Inspector Moon, did I offer to assist by
22 providing you the follow-up contact information for
23 Barranquilla airport authorities?

24 A. Yes, and I transferred it to our department.

25 Q. Okay. After our conversation, did you make any

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1 further attempts to contact the Barranquilla police
2 directly?

3 MS. VILLIERS: Excuse me, Your Honor, objection.

4 JUDGE RAWALD: Okay. What's the objection?

5 MS. VILLIERS: Just relevance.

6 JUDGE RAWALD: I'm going to allowed it. He's
7 allowed to inquire into the extent of the investigation
8 that was performed by Mr. Moon, so I'm going to allow it.
9 The objection is overruled.

10 Mr. Moon?

11 MS. VILLIERS: Understood.

12 MR. MOON: We have our law enforcement agency at
13 the FAA, they make the phone call, and we as a CMO don't
14 make the phone call. So, we transfer it to the law
15 enforcement agency program.

16 JUDGE RAWALD: So, it sounds like you didn't call
17 anyone, sir?

18 MR. MOON: I did not, no.

19 JUDGE RAWALD: Okay. Thank you. Mr. Nunez?

20 BY MR. NUNEZ:

21 Q. Inspector Moon, did you document the
22 conversation where I offered assistance in reaching the
23 Barranquilla authorities?

24 A. I documented our conversation.

25 Q. Inspector Moon, can you provide a record of any

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1 further attempts to contact the Barranquilla police or
2 other relevant local authorities after our discussion?

3 A. No.

4 Q. In hindsight, do you believe contacting the
5 Barranquilla police directly would have provided more
6 accurate and crucial evidence for this investigation?

7 A. No.

8 Q. Inspector Moon, are you aware that a
9 breathalyzer test was administered by the Colombian
10 National Police at my request and returned a negative
11 result for intoxication?

12 MS. VILLIERS: Your Honor, objection.

13 JUDGE RAWALD: What was the basis of your
14 objection, Counsel?

15 MS. VILLIERS: It's relevance, Your Honor.

16 JUDGE RAWALD: Exhibit C-1 says that the reason
17 for diverting the plane was an intoxicated passenger. So,
18 that's part of the issue in this case, so we're going to
19 go ahead and go there. The objection is overruled.

20 Counsel -- Mr. Moon?

21 Mr. Moon, are you aware of that fact?

22 MR. MOON: Can you repeat the question? I'm lost,
23 Your Honor.

24 JUDGE RAWALD: Sure.

25 BY MR. NUNEZ:

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1 Q. Inspector Moon, are you aware that a
2 breathalyzer test was administered by the Colombian
3 National Police at my request and returned a negative
4 result for intoxication?

5 A. Yes, I am.

6 Q. Okay. Inspector Moon, did you request
7 documentation of the breathalyzer test results from the
8 local police department or the airport authorities in
9 Barranquilla?

10 A. No, it's irrelevant for the 121 violation.

11 Q. Inspector Moon, if you did not obtain this
12 document -- well, you just explained that to me. Strike
13 that.

14 Did you attempt to speak directly with the
15 officer who administered the breathalyzer test to verify
16 the results?

17 A. Once again, I cannot contact them per our
18 policy procedure.

19 JUDGE RAWALD: So, you didn't?

20 MR. MOON: Well, exactly. Yes, I did not.

21 JUDGE RAWALD: Okay.

22 BY MR. NUNEZ:

23 Q. Inspector Moon, given that the breathalyzer
24 test is a critical piece of exculpatory evidence, do you
25 believe it should have been included in your report?

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1 A. Not at all. No.

2 JUDGE RAWALD: Okay. Ms. Villiers, you can ask a
3 follow-up question on that, obviously, when you are on
4 redirect. So, I see you had unmuted there. That's for
5 redirect.

6 Okay. Mr. Nunez?

7 BY MR. NUNEZ:

8 Q. Inspector Moon, does the FAA Order 2150.3C
9 require an investigator to gather all the available
10 evidence before making conclusions?

11 A. Off the top of my head, I don't know that
12 regulation or its equivalent. But for violation of
13 121.580, intoxication has nothing to do with it. If you
14 weren't, I believe that you weren't. I believe you.

15 Q. Thank you. Inspector Moon, how did your
16 actions in this case align with that standard, that you
17 have to gather everything possible?

18 A. I gather pertinent information, what would help
19 prove evidence of a violation of 121.580. But we weren't
20 going after an intoxicated passenger, which is 121.575.

21 Q. Inspector Moon, in your opinion, does calling a
22 general number in Bogota without direct follow-up with
23 Barranquilla authorities meet the FAA standards for a
24 thorough investigation?

25 MS. VILLIERS: I'm objecting, Your Honor.

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1 Compound question.

2 JUDGE RAWALD: Well, it's getting argumentative.

3 I mean, it's very clear Mr. Moon did not do anything that
4 involved the police, and so he's made it very clear. And
5 Mr. Nunez's opinion is that that was not the appropriate
6 full duty of the investigator. Mr. Moon says he has to
7 get everything to the fullest extent he could, or he
8 should have under the requirements he has.

9 Anything further is going to be argumentative, so
10 I'm not going to allow it. The objection is sustained.
11 Let's move on.

12 BY MR. NUNEZ:

13 Q. Inspector Moon, does FAA protocol encourage
14 making persistent and reasonable efforts to gather the
15 evidence with local authorities, especially in cases
16 involving serious allegations like passenger misconduct?

17 JUDGE RAWALD: Mr. Nunez, this is the same point,
18 which is that he's going to say he did everything he
19 needed to do.

20 MR. NUNEZ: I'll move on.

21 JUDGE RAWALD: Yeah, he said he did everything he
22 needed to do.

23 MR. NUNEZ: Understood. I'll move on.

24 BY MR. NUNEZ:

25 Q. Inspector Moon, I'm almost done. The crew

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1 reported that the passengers were moved due to my
2 behavior. How did you verify that whether or not
3 passengers in 17 were moved?

4 A. There's no way to verify that without --
5 moving, if passengers' moved seat, there's no way to
6 verify if passengers' moved seats.

7 JUDGE RAWALD: So, I guess just to be clear, Mr.
8 Moon, you didn't in any way try to verify who or how many
9 people were moved on the flight?

10 MR. MOON: No, I did not.

11 JUDGE RAWALD: Because there's no way for you to
12 do that, in your opinion?

13 MR. MOON: No, there is not. No.

14 JUDGE RAWALD: Okay. Thank you.

15 BY MR. NUNEZ:

16 Q. Inspector Moon, did you attempt to contact the
17 passengers who were seated near me to confirm if they
18 were moved and how they perceived the situation?

19 A. I spoke with Ms. Habib seated in front of you.

20 JUDGE RAWALD: So, Ms. Habib was the only
21 passenger you reached out to on the aircraft? Why her and
22 no one else?

23 MR. MOON: Because that was the phone number that
24 American gave as a witness.

25 JUDGE RAWALD: Okay. Thank you.

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1 Mr. Nunez?

2 BY MR. NUNEZ:

3 Q. Inspector Moon, if you did not speak to the
4 passengers directly, how can you be sure that the crew's
5 account of moving them was accurate?

6 A. There's no violation that we're running on that
7 they moved the passengers, that's what's wrong.

8 JUDGE RAWALD: Right. I guess what Mr. Nunez is
9 getting at is, other than simply taking the flight
10 attendant at their word, was there anything else done on
11 your part to verify that passengers were, in fact, moved
12 because of Mr. Nunez's behavior?

13 MR. MOON: No.

14 JUDGE RAWALD: Okay.

15 BY MR. NUNEZ:

16 Q. Inspector Moon, were there any responses or
17 statements from passengers seated near me documented?
18 And if so, can you provide those records?

19 A. No. We've received no reports from other
20 passengers.

21 Q. Understood. Inspector Moon, the report
22 mentions that Captain Jaffe made the decision to return
23 the plane based on reports from the crew. Did Captain
24 Jaffe personally witness any part of the alleged
25 incidents involving me?

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1 A. No.

2 Q. Was there any independent verification from
3 Captain Jaffe beyond the crew's reports that he made the
4 decision to divert the flight?

5 A. There's no way, no.

6 Q. Given that Captain Jaffe is no longer available
7 to testify, does this impact your confidence in the
8 decision to return to flight?

9 A. Does it change my opinion? I'm sorry, is that
10 the question?

11 Q. Correct. Now that he's not here to defend
12 himself.

13 A. It changes nothing.

14 JUDGE RAWALD: So, just to be clear with Mr.
15 Nunez, the question of whether the flight was prudentially
16 diverted is not the question I have to answer. The
17 question I have to answer is whether your conduct on the
18 plane interfered with the crew members in the performance
19 of their duties. Part of the evidence of that is that
20 the plane was diverted because they felt what you were
21 doing was so severe.

22 But whether, in fact, Captain Jaffe made the right
23 call on diverting the plane is not something I can second
24 guess. So, it was done, you know. That's not my
25 question. My question is whether or not what you did was

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1 interfering to them, just so we're clear.

2 MR. NUNEZ: Okay.

3 JUDGE RAWALD: Any other questions for Mr. Moon?

4 MR. NUNEZ: Yeah, almost done, sir.

5 JUDGE RAWALD: That's fine.

6 BY MR. NUNEZ:

7 Q. Without Captain Jaffe's firsthand account, how
8 did you ensure that the decision to return the plane was
9 based upon complete and accurate information?

10 A. The Captain's decision? I'm kind of confused
11 on the question. Could you clarify?

12 JUDGE RAWALD: Right, I think this is exactly the
13 point I was getting at, sir, is that Mr. Moon nor myself,
14 neither one of us are second-guessing or looking at the
15 position of whether the diversion was correct.

16 MR. NUNEZ: Understood. I'll move on.

17 JUDGE RAWALD: That's not what we -- that's not
18 our ambit.

19 MR. NUNEZ: I'll move on.

20 JUDGE RAWALD: Okay. So, the question is -- the
21 objection is -- yes.

22 MR. NUNEZ: I'll move on.

23 JUDGE RAWALD: Yes.

24 MR. NUNEZ: Let me just, I'm just going to -- I
25 answered a couple, let me just, I had a bunch of

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1 questions.

2 JUDGE RAWALD: That's fine.

3 MR. NUNEZ: Just to save your -- the Court's time.

4 Let's see.

5 BY MR. NUNEZ:

6 Q. Inspector Moon, were you aware of any local
7 laws or procedures in Colombia that might have
8 facilitated better communication with the Barranquilla
9 authorities?

10 MS. VILLIERS: Your Honor, objection. I'm sorry,
11 objection.

12 JUDGE RAWALD: It's not relevant. The objection
13 is sustained. Okay.

14 MS. VILLIERS: Thank you.

15 MR. NUNEZ: Three more questions.

16 JUDGE RAWALD: Okay.

17 BY MR. NUNEZ:

18 Q. Inspector Moon, do you believe that the
19 investigation was conducted as thoroughly as possible,
20 given the challenges in reaching the local authorities
21 and gathering certain pieces of evidence?

22 A. I do.

23 Q. Okay. Last question. Considering the key
24 evidence that was not obtained, do you believe the FAA's
25 investigation was fully comprehensive and met its

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1 investigatory standards?

2 JUDGE RAWALD: It's argumentative. It's
3 argumentative. He believes he did the job he needed to
4 do. You believe he did not. He doesn't think that
5 breathalyzer evidence is important. You do think it's
6 important. I understand the position of the parties, so
7 the question is not going to be productive. Anything
8 further?

9 MR. NUNEZ: No further questions, Your Honor.

10 JUDGE RAWALD: Okay. Any redirect, Ms. Villiers?

11 MS. VILLIERS: Yes, Your Honor.

12 JUDGE RAWALD: Okay.

13 REDIRECT EXAMINATION

14 BY MS. VILLIERS:

15 Q. Mr. Moon, in your -- based on your experience,
16 what would you identify as key evidence in this case?

17 A. The aggressive behavior.

18 JUDGE RAWALD: Well, that's not evidence, right.
19 We heard that, but what are the pieces of evidence.

20 MS. VILLIERS: Key evidence that you reviewed.
21 Correct. Key evidence that you reviewed in this
22 incident.

23 MR. MOON: The crew reports.

24 BY MS. VILLIERS:

25 Q. Okay. Is there anything else?

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1 A. (The witness shook his head.)

2 JUDGE RAWALD: You're shaking your head, no.

3 Okay.

4 Q. Okay. Also, if -- would your -- would you have
5 done your investigation differently had you not been --
6 had the information not said that Mr. Nunez was, and I
7 quote, intoxicated? Would that have, would that change
8 the outcome of your investigation?

9 A. Well, no. Actually, intoxication in the past,
10 in my over 300 cases I've worked -- it's the behavior.
11 That actually makes it worse that he wasn't intoxicated
12 and the behavior was as severe as the captain would
13 return the aircraft, which, once again, is a big event.
14 And if he wasn't intoxicated, that makes it worse.

15 Q. And would evidence that he was not intoxicated
16 be exculpatory evidence?

17 JUDGE RAWALD: Or the issue of an interference
18 violation, ma'am.

19 MS. VILLIERS: I'm sorry, Your Honor?

20 JUDGE RAWALD: The issue of interference.

21 So, Mr. Moon, the question is, the fact that he
22 was not intoxicated, would that have in any way been
23 exculpatory to him in the question of interference given
24 the reports you have before you?

25 MR. MOON: No, not at all.

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1 JUDGE RAWALD: Ms. Villiers?

2 MS. VILLIERS: Thank you, Your Honor.

3 BY MS. VILLIERS:

4 Q. Did you -- during your review, was there any
5 inconsistency in the witness statements?

6 A. The only thing I think contradicting that I
7 would -- was about the two police officers escorting him
8 off. But nothing else.

9 Q. I'm sorry, when you said two police officers,
10 this is from whose statement?

11 A. Ms. Habib.

12 Q. Okay.

13 A. You said statements, so I'm thinking of all of
14 them.

15 Q. Understood. But were the flight attendants'
16 statements consistent, based on your investigation?

17 A. Correct. The flight attendants all lined up.

18 JUDGE RAWALD: Ms. Villiers, just so you
19 understand, I'm going to perform my own credibility analysis
20 and his is going to be not what's important to me. I'm
21 going to view the statements myself and see if they're
22 credible.

23 MS. VILLIERS: Understood, Your Honor. Thank you.

24 BY MS. VILLIERS:

25 Q. And final question. You testified that based

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1 on your knowledge, Captain Jaffe didn't personally
2 witness the disruption. But based on your investigation,
3 how was he made aware of the disruption?

4 A. He was aware. He was saying there were
5 multiple conversations on the intercom, the headset. The
6 crew were describing to the pilots exactly what was going
7 on in the back of the airplane.

8 MS. VILLIERS: Understood. Thank you, Your Honor.
9 Your Honor, no further questions for the witness.

10 JUDGE RAWALD: Okay. Then, okay. Mr. Moon is no
11 longer -- that's fine.

12 So, Ms. Villiers, what else do you have? You have
13 three exhibits that you were reserving thought on. So,
14 what have you decided about, what was it, C-7 and -8 and
15 C-13; is that correct?

16 MS. VILLIERS: Right. Your Honor, so no need to
17 admit C-7 and -8. And I believe there's no need to admit
18 C-13 as well.

19 JUDGE RAWALD: Well, your belief is not important.
20 Do you want to introduce those exhibits? Because it's
21 your last chance.

22 MS. VILLIERS: Your Honor, I don't believe that we
23 will admit those exhibits.

24 JUDGE RAWALD: Once again, it's a turn of phrase,
25 Ms. Villiers. So, are you seeking admission of the

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1 document or are you not?

2 MS. VILLIERS: The Complainant is not, Your Honor.

3 JUDGE RAWALD: Are you resting at this point or do
4 you have anything further for me?

5 MS. VILLIERS: We are resting at this point, Your
6 Honor.

7 JUDGE RAWALD: Okay. Good.

8 Okay. So, Ms. Nunez, here's where we are. So,
9 now it's your case-in-chief. You have your witnesses keyed
10 up to come here at 1 o'clock with our interpreter, so I
11 want to see you back on the record at 12:45 so we can go
12 ahead and get things started and talk about that. If you
13 want to testify, you'll have a chance to do that as well.

14 Sir, you have the evidence I've admitted. So, you
15 have three documents the Government has not admitted that
16 they offered before that you may have thought would be
17 admitted, Documents C-7, C-8, and C-13. You can, of
18 course, seek their admission if you think that you want
19 them to be admitted for me to consider. So, I do want to
20 make sure you are aware of that fact. So, if you wish
21 them to be admitted, let me know as well.

22 MR. NUNEZ: I would like to, Your Honor.

23 JUDGE RAWALD: You would like me to have those
24 admitted as Defendant's -- as Respondent's Exhibits?
25 Okay. So, I will admit -- so, C-7, C-8, and C-13 will be

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1 admitted as R -- as Respondent's 8, Respondent's 9, and
2 Respondent's 10. So, C-7 will become Respondent's 8.
3 C-8 will become Respondent's 9. And C-13 will become
4 Respondent's 10. Clarifying in the record because Mr.
5 Nunez let me review those documents. We have all the
6 other exhibits you have.

7 (Respondent's Exhibits Nos. R-8, R-9, and R-10
8 were admitted into evidence.)

9 So, Mr. Nunez, we will come back, we will hear
10 your witnesses, and then we will hear Ms. Villiers in
11 rebuttal, and that will be the day. So, at this point,
12 we will go ahead and take a break for lunch. We will be
13 back at 12:45 to continue with this hearing.

14 MR. NUNEZ: Your Honor, so I will be allowed to
15 testify, yes?

16 JUDGE RAWALD: Of course.

17 MR. NUNEZ: Okay. Thank you.

18 JUDGE RAWALD: And would you like to testify
19 before your witnesses or after your witnesses?

20 MR. NUNEZ: Before.

21 JUDGE RAWALD: Okay. Then let's get back at 12:30
22 then. We will take a 40-minute lunch. That way you can
23 testify and then we will get back with your folks. Does
24 that sound good to you?

25 MR. NUNEZ: Great. Thank you, Your Honor.

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1 JUDGE RAWALD: So, we will be back here at 12:30
2 on the record. Thank you. Everyone just stay on your Zoom,
3 but go ahead and turn off your microphones and your video
4 for now. Thank you all.

5 (A recess was taken at 11:50 and proceedings
6 resumed at 12:30 p.m.)

7 JUDGE RAWALD: Okay. We're back on the record in
8 the hearing, and when we left off, Mr. Nunez said he was
9 ready to testify.

10 So, sir, are you still ready to go?

11 MR. NUNEZ: Let's do it.

12 JUDGE RAWALD: Okay. Please raise your right
13 hand.

14 Whereupon,

15 JOHN NUNEZ

16 A witness, called for examination, having first been
17 duly sworn, was examined and testified as follows:

18 JUDGE RAWALD: Okay. Go ahead and testify.

19 RESPONDENT'S NARRATIVE TESTIMONY

20 BY MR. NUNEZ:

21 MR. NUNEZ: Your Honor, to begin, thank you for
22 seeing me today. I'd like to introduce myself first. My
23 name is John Nunez, I'm 50 years old, I'm a retired stock
24 broker from Flushing, Queens.

25 The reason I was on that flight, I have a 7-year-

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1 old son who lives -- I'm sorry, let me disable this. I had
2 taken a phone call before, I'm sorry.

3 I fly frequently -- I fly frequently to
4 Barranquilla, Colombia, to visit my -- monthly, to visit my
5 7-year-old son, Shay. So, from time to time -- first, to go
6 back, my father was an employee for American Airlines for
7 over 30 years. I understand, you know, the best gift in the
8 world a parent could ever give their child is the gift of
9 travel. I saw the world many times over, and I know that
10 it's a privilege; it's not a right. I know exactly.
11 I've flown over -- I mean, documented, you have, as a
12 paying revenue passenger over 120,000 miles. Those are
13 exactly 55 flights to Barranquilla, Colombia, to visit my
14 son. That is the motive for my flight.

15 I suffer from BPH, which is an enlarged prostate
16 and kidney stones, which have all been introduced as
17 evidence. Now, that day -- that day I was -- my normal
18 routine, I go visit my son two or three days, I fly back, I
19 fly back, I frequent that VIP lounge while I wait for the
20 flight. Now, 55 flights, 55 times I've been in that
21 lounge, never been in an incident. I've never had any
22 incidents with American Airlines. I was just -- it was
23 just a misunderstanding between humans, that's all.

24 Now, I know the facts of the case are that I
25 disobeyed an order, that I got up from an airplane. I'm

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1 not here -- we've already, the witnesses have already
2 testified. They gave their side of the story. My side of
3 the story is as follows.

4 The incident -- the incident started simply
5 because this was just a misunderstanding. In all the years
6 that I've traveled with American Airlines, as a child and as
7 a revenue passenger, I've witnessed, you know, there's this
8 systematic behavior amongst employees, how they treat the
9 children or lesser classification passengers like D3. To
10 be honest with you, and again, this is my opinion, at
11 American Airlines, D3 passengers are treated like,
12 they're not treated correctly. Now, you know, there's
13 different classifications, D1, D2 and D3. I've been
14 treated over the years differently. As a non-revenue
15 passenger, I've been treated with the utmost respect in
16 first class. But once we move into coach or any other
17 class, the treatment becomes different.

18 Now, in the witnesses' testimony, they mentioned
19 the D3 status, and that evidence that's been introduced has
20 shown that. But never once have they ever, have they
21 ever mentioned my status as a revenue passenger, which I
22 am treated totally different, Your Honor. I mean, if I
23 could recite and if I could introduce into evidence the
24 American Airlines policy exhibit R-1C? I'm not going to
25 go through the whole thing. I'm just going to point out

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1 a couple of things, if we can pull that up.

2 MS. VILLIERS: Your Honor. Objection.

3 JUDGE RAWALD: Hold on. It's not admitted. It's
4 not admitted.

5 MR. NUNEZ: Oh, it's not admitted?

6 JUDGE RAWALD: Right, it wasn't admitted because
7 that was not produced in discovery so it hasn't been
8 admitted.

9 BY MR. NUNEZ:

10 MR. NUNEZ: I'm sorry. I'm sorry. So, I'll go
11 according to American Airlines policy for a passenger of
12 my status -- and again, I'm not better than anyone, I'm a
13 peaceful person. I did not -- this was all a
14 misunderstanding that just went overboard when I tried to
15 voice my views and say, hey, man, we're on the same team.
16 Why are we doing this?

17 And then I said, look -- by the way, I had pulled
18 out my Admirals Club card and my City Advantage Executive.
19 I was like, I understand all of what you're saying to me,
20 but you can't treat me like this. Number one, the
21 argument started when -- I can't remember which one of the
22 flight attendants said it, but when I was -- when she had
23 made it known, she had made it known that I was a D3
24 passenger in front of all the passengers. So, I think it
25 was Ms. Sanchez, the second one. She's like, you can't,

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1 you know, you know, your status. You cannot, you cannot
2 come here saying these things or whatever.

3 Now, my reasons for getting up. I did not --
4 first of all, for the record, Your Honor, I never got up. I
5 never got up during takeoff, okay. I got up -- I got up
6 simply when I had to use the bathroom. Now, if you
7 review the records, a person with BPH, at this moment, I
8 have to go to the bathroom. I just went 30 seconds ago.
9 You know, it's a painful process. It's very frustrating.
10 And I'm just -- you know, I was pleading for empathy with
11 the flight attendants. I was not, you know -- but they
12 were totally discounting me through the whole flight.

13 I did not use any profanity in calling them those
14 words that they use. I have a mother. And if my father,
15 my father, may he rest in peace, had he been alive, he
16 would have killed me, then he would have died.

17 MS. VILLIERS: Objection as to relevance.

18 JUDGE RAWALD: What's the objection, Counsel? Why
19 isn't it relevant?

20 MS. VILLIERS: Your Honor, because this has -- you
21 know, the Respondent is speaking about matters that don't
22 impact or didn't occur on board the flight 1124.

23 JUDGE RAWALD: He's talking about being on the
24 plane, he talking about the language he used. He said he
25 didn't use the language, and he never would have used such

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1 language because he has a mother and his father wouldn't
2 have allowed it. So, that's okay, that's color. So, I'm
3 going to allow it. The objection is overruled.

4 So, Mr. Nunez, so you're explaining that you did
5 not use the language that the flight attendant said you
6 used.

7 MR. NUNEZ: I did not, Your Honor. I did not get
8 up from my seat during takeoff either. And my reasons for
9 getting up is because I had to go to the bathroom now.

10 JUDGE RAWALD: No, I heard you say that. I just
11 want to be very clear on the language because that's
12 where we got derailed here. So, you, did you call them
13 -- so, this is the word that this -- so, Ms. Sanchez said
14 you called them bitches? Did you use that language?

15 MR. NUNEZ: I did not, Your Honor. I did not.

16 JUDGE RAWALD: And Ms. Quiroz said that you said,
17 you can't treat me like shit. Did you say that to her?

18 MR. NUNEZ: I did.

19 JUDGE RAWALD: You did?

20 MR. NUNEZ: Why would I say that, Your Honor?
21 Because I was being treated unfairly.

22 JUDGE RAWALD: You did say those words or you did
23 not?

24 MR. NUNEZ: I did say that.

25 JUDGE RAWALD: Okay. And she said that you --

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1 BY MR. NUNEZ:

2 MR. NUNEZ: Okay. But I explained, but there was
3 -- I'm sorry, Your Honor. There was -- I said, I had tried
4 to explain my status. I said, you cannot treat me like
5 this, before that. And then I, at the same time, I had
6 to go to the bathroom. If, again, if anyone -- if anyone
7 ever suffered from this condition, you know how painful
8 it is. So, now I'm arguing with some overzealous,
9 unsympathetic flight attendants. So, we're not trying to
10 -- Ms. Quiroz, when I explained to her, she goes, that
11 doesn't mean anything here. So, my frustration came from
12 being discounted, so I said, had I paid, had I been a
13 paying passenger on this flight, I would have been
14 treated differently.

15 Now, as far as me being a violent or aggressive
16 person, as you can see, I speak with my hands. I'm from
17 New York City. I was a stockbroker for 15 years. A lot
18 of times I had to signal, so it's force of habit. And I
19 speak like this. I'm a passionate person.

20 And Ms. Habib's account of my behavior, that would
21 have never happened. The Colombian police were right
22 outside the door. She could have went to them anytime if
23 I was any threat to be perceived. They would have simply
24 went outside and got the police officers, they had ample
25 chance. The flight was delayed three hours, no one ever

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1 said anything. I was sitting in the VIP lounge, I was
2 having a cranberry juice with Tim Anderson, Sr.

3 Now, the reason for the loud behavior was that I
4 was sitting next to Tim Anderson's father. Tim Anderson, a
5 couple days before, had hit a home run at the Field of
6 Dreams for the Yankees, so we were just celebrating that.
7 And my culture is very unforgiving. I am of Colombian
8 descent, and I can tell you that I was profiled because
9 of the way I was dressed. I was profiled because of my
10 behavior. I wasn't offending anybody, I was minding my
11 own business. If Ms. Habib had felt that I was a threat,
12 she got on the plane first. As a non-revenue passenger,
13 I board last.

14 JUDGE RAWALD: That's not what I want or I need to
15 hear. That's speculation. So, let's focus on what you
16 were doing. So, the fact is that when you were in the
17 lounge, you were being loud because you were talking
18 about something that was exciting to you.

19 MR. NUNEZ: Baseball. We're talking about
20 baseball, sir.

21 JUDGE RAWALD: Okay. So, you were being loud in
22 the lounge for that reason. You were drinking non-alcoholic
23 drinks, you're saying?

24 MR. NUNEZ: Correct.

25 JUDGE RAWALD: Okay. And there were police

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1 outside the lounge who didn't bother you at all and nobody
2 from the lounge did anything to intercede about your
3 loudness?

4 MR. NUNEZ: No, no. And if I were a problem where
5 she mentioned that I act like this so they couldn't say
6 anything to me, she just portrayed me to be like a mafia
7 don.

8 JUDGE RAWALD: That's argumentative, though. I
9 understand that, sir. Your testimony is the facts are --

10 BY MR. NUNEZ:

11 MR. NUNEZ: Your Honor, I know every ticket agent,
12 every gate agent, every baggage, police officer, you
13 know, 55 times in a small airport. Flights were missed.
14 It's only one flight out of Barranquilla a day. So, you
15 know, I was inconvenienced, too. I had somewhere to be.
16 You know, I had a business dealing that I had to take
17 care of, that didn't happen. I was fully aware of what
18 was going on. Now, the fact that I'm loud, I didn't know
19 that was a crime, but that's what's being said about me.
20 But I hope the record shows that my medical records do
21 show that I do have an affliction. I'd like you to take
22 into consideration how that physically makes a person
23 feel.

24 My reasoning for getting up is I have to go to the
25 bathroom. The flight attendants did not make it easy for

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1 me. Their systematic bullying worked. Again, this is my
2 opinion, and I know I'm stating from what I've
3 encountered in the 40 years that I've flown with American
4 Airlines. They're bullies. They treat you like garbage
5 because you didn't pay. I know that's my opinion, but if
6 I could go to -- I'd just like to recite three lines from
7 American Airlines' policy regarding me. "Respect and
8 attentiveness. Flight attendants and ground staff
9 usually offer a high level of service to platinum
10 executive passengers."

11 MS. VILLIERS: Your Honor, objection. I believe
12 he's reading from a document not admitted into evidence.

13 JUDGE RAWALD: I'm going to allow him to tell me
14 what he's saying. So, whether I believe it or whether I
15 give it credibility will, of course, come down to what
16 the basis of the statement is, but the objection is
17 overruled.

18 BY MR. NUNEZ:

19 MR. NUNEZ: That's point number one, Your Honor.
20 They mentioned that they may be more attentive to your
21 needs, addressing you by your name, and ensuring that you
22 have comfortable experience throughout your journey.

23 Number four, proactive problem solving. If any
24 issues arise, whether it's your seating, baggage, or
25 other services, staff are typically proactive in

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1 resolving them. They are trained to ensure your
2 experience meets the high expectations associated with
3 your status.

4 One more, Your Honor. Quick resolution of
5 complaints. If you do have a complaint or an issue, it's
6 typically addressed quickly with focus on maintaining
7 your satisfaction and your loyalty. The airline often
8 goes the extra mile to ensure any negative experiences
9 are rectified.

10 Lastly, complementary upgrades. Complementary
11 upgrades to the next class of service, such as main
12 cabin, first or extra class on eligible flight subject to
13 availability. Your Honor, all I tried to do was point
14 out that they were treating me unfairly. They never once
15 mentioned that in the Complainant's exhibit of my
16 classification, those flight attendants ignored it. D3
17 was the last thing that's noted there.

18 JUDGE RAWALD: That's argument, sir. I want to
19 focus in on your testimony.

20 COURT'S EXAMINATION

21 BY JUDGE RAWALD:

22 Q. So, on the plane, you admit that you went to
23 the back. You said it was later on, though, after the
24 plane, not during takeoff, but later on?

25 A. Correct.

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1 Q. Did you try to go to the first class cabin?

2 A. Because at the time, the coach cabin was being
3 used at that time. Now, this is not a big deal amongst,
4 you know, different people act differently. You know,
5 the thing was that flight crew, you know, they were,
6 again, in my opinion, they said they weren't under
7 stress, but they were.

8 They were very rude to me from the beginning.
9 I said, excuse me, can I have something to drink? When
10 Ms. Sanchez said, you know, you're D3, you can't ask for
11 anything. That's when I was embarrassed because she did
12 it in front of all the passengers. You know, that kind
13 of stuff, it's not what you say, it's how you say it. We
14 could have got up, we could have went to the back, and we
15 could have spoke about it. Now, when I got up to go to
16 the back, to the aft part of the plane was to go to the
17 bathroom, which they blocked off so I couldn't go to the
18 bathroom.

19 The video that was entered as an exhibit from
20 the flight attendant, you can't see me, but I'm there.
21 I'm peacefully walking back to my seat. I'm not
22 disruptive -- the one with the orange juice. If you look
23 at that video very well, you'll see that I'm walking back
24 to my seat. I sat down, and I'm like, I can't believe
25 that this is going on.

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1 JUDGE RAWALD: The Respondent is referring to, for
2 the record, Exhibit C-14, which is admitted in evidence.

3 BY JUDGE RAWALD:

4 Q. So, okay, so I just want to be very clear, sir,
5 because I want to make sure we're very clear on what
6 happened here.

7 So, you did not get up from your flight seat until
8 after takeoff. You did get up to go to the bathroom in
9 the front, you were told you could not. You tried to go
10 to the bathroom in the back, and you did not because you
11 were blocked from going to the bathroom in the back.

12 A. Well, the first time is because someone was -- it
13 was being occupied.

14 Q. Okay.

15 A. The second, I had to go up again, Your Honor.
16 I had to get up and go again, so they're perceiving this
17 as me denying orders. I have to go. I mean, what was I
18 supposed to do, just go there, you know?

19 Q. That's okay. That's argument, sir. I want to
20 get to the facts. So, when you went to the back of the
21 plane, did you request a drink that was alcoholic?

22 A. Yes, to give it to Tim Anderson's father.

23 Q. Okay. And when you asked for an alcoholic
24 drink, were you told you could not have one?

25 A. Yes.

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1 Q. Okay.

2 A. But it wasn't because they perceived me to be
3 intoxicated. They were imposing their will just to deny
4 me anything.

5 Q. Well, that's speculation, sir. What I want to
6 get to is you asked for a drink, and you were told you
7 could not have one at all?

8 A. Correct. I could have asked for anything and
9 they didn't give it to me.

10 Q. You could have, but I want to get to what you
11 did do.

12 A. Yes.

13 Q. You asked for an alcoholic drink and you were
14 told, no?

15 A. I did.

16 Q. Did you ask for a non-alcoholic drink?

17 A. No.

18 Q. Okay. Did you, when speaking --

19 A. I asked for a Coke to take my medicine. Yes, I
20 did. I'm sorry.

21 Q. When did you ask that in this storyline? At
22 what time?

23 A. I can't recall. It must have been a couple
24 minutes later.

25 Q. Okay. So, when you asked for a Coke, you were

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1 told no?

2 A. Yes. I was denied.

3 Q. You asked for the Coke. Were you standing up
4 in the aisle by the cart, or were they coming by the
5 aisle with the cart?

6 A. When I asked for the Coke, I was sitting down.

7 Q. And so they were giving beverage service when
8 you asked for the Coke?

9 A. Yes, they were.

10 Q. Okay. So, other people were being served
11 Cokes, and you were not served a Coke?

12 A. Yes, correct.

13 Q. Okay. And then, were you given a notice from
14 the purser saying you were on order -- notice that you are
15 disturbing the flight?

16 A. Your Honor, it wasn't a notice of that. It was
17 a notice about mask restrictions for COVID.

18 Q. Okay. So, the purser handed you a note about
19 mask restrictions?

20 A. Yes.

21 Q. Okay.

22 A. And for the record, Your Honor, my interaction,
23 I had nothing to say. I took the paper, and I sat there.
24 I just sat there when Captain Jaffe just came on the
25 loudspeaker and said, we're turning the plane around. He

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1 gave no explanation. He just pulled a U-turn and headed
2 back to Barranquilla. Now, I don't understand. I mean,
3 we were already on the way. The need to return, I mean,
4 he could have turned me over to the American authorities.

5 Q. That's speculation, though. I want to get to
6 the facts as you remember them.

7 A. Okay.

8 Q. So, let's stick to -- well, you're testifying
9 here. This isn't argument. So, your testimony is you
10 took the paper, and you sat there. You did not argue
11 with the purser?

12 A. I did not, Your Honor. And for the record,
13 Your Honor, those passengers were not moved. If you
14 could look, I mean, it's going to be hard -- I don't know
15 if it matters or not, but if you look very well at that
16 video, you can see that there's people sitting in those
17 seats.

18 Q. Okay. So, the passengers around you were not
19 moved?

20 A. No one was moved because the flight was packed,
21 Your Honor. I mean, there was some seats, but no one was
22 in fear. No one was -- I mean, there was a lot of men on
23 that flight. I mean, if I was a perceived threat, those
24 -- I mean, Your Honor.

25 Q. Okay. That's argument, though. Let's focus in

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1 on the facts.

2 A. Again, again, again, I've been painted in a
3 negative light. Ms. Habib, you know, this is all coming
4 from, you know, everybody's recollection is coming from a
5 viral video.

6 Q. You can mention that in closing argument. All
7 your testimony is, what are the facts as you remember
8 them being? And so, any other facts of the flight that
9 you want to share with me now?

10 A. Let me just take one moment to think about
11 that. Your Honor, they never -- again, they constantly
12 discounted my need to go to the bathroom. I tried to
13 explain to them that I have a condition. They just --
14 again, no empathy for me. That's what caused my
15 frustration because, you know, we're humans. You know,
16 why would you treat somebody? I mean, where is this
17 classism, you know, that I can't -- you know. That's
18 what I'm saying.

19 Q. I understand. That's the argument, sir. So,
20 the question, you did tell them that you had a medical
21 need to go to the bathroom?

22 A. I did.

23 Q. And it was disregarded. Okay.

24 A. I did. When I asked for the Coke -- when I asked
25 for the Coke it was to take my medicine.

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1 Q. Okay. Any other facts about the flight that
2 you want me to know?

3 A. No, Your Honor. No.

4 JUDGE RAWALD: Okay. Okay. So, this is Mrs.
5 Villiers' opportunity to ask you questions on
6 cross-examination then.

7 So, okay, Mrs. Villiers, what do you want to
8 cross-examine?

9 (No response.)

10 JUDGE RAWALD: You're muted. Okay.

11 CROSS-EXAMINATION

12 BY MS. VILLIERS:

13 Q. Good afternoon, Mr. Nunez.

14 A. Good afternoon, Ms. Villiers.

15 Q. So, I have a few questions for you. Initially,
16 when you were denied the use of the -- first -- firstly, do
17 you remember your seat number? Where were you seated?

18 A. I was in 17 C.

19 Q. Okay. So, isn't that in the middle of the
20 aircraft?

21 A. It is.

22 Q. Okay. And so, why did you proceed to the -- why
23 did you proceed to the laboratory in the business class
24 section at the front?

25 A. Well, number one, the bathroom was being

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1 occupied at that time.

2 JUDGE RAWALD: The bathroom in coach?

3 A. In coach, correct. So, my assumption, I didn't
4 think it was a big deal because I've done it many times
5 on American flights. Most of the time, you know, like I
6 said, I know the flight attendants very well from my
7 frequent flying so it's never an issue. I didn't know
8 this crew, they didn't know me, but I tried to explain
9 again. And then, again, this -- I don't know if this is
10 important or not, but I wasn't sitting in first class
11 because it was full, but I had requested it. And I don't
12 know if this matters, but, you know, we're treated the
13 same. If I'm not sitting in first class, I'm still
14 treated the same, I'm still given the same privileges.
15 I'm treated normally. Nine out of ten times, this is not
16 an issue.

17 JUDGE RAWALD: So, sir, as I understand it,
18 because of your status as a frequent flyer, you felt like
19 you still had the same ability or access to the first class
20 cabin, even though you were seated there?

21 MR. NUNEZ: Yes. Also, that I'm a D3 employee.
22 We're on the same team. I made an assumption. Again,
23 for many years, this was, this is not a big deal. This
24 is not a big deal.

25 JUDGE RAWALD: But the answer to Ms. Villiers'

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1 question is you went to the front because you felt like
2 you could go there and because the bathroom in the back
3 was closed.

4 MR. NUNEZ: Correct.

5 JUDGE RAWALD: Ms. Villiers, next question.

6 MR. NUNEZ: Thank you. Thanks, Your Honor.

7 BY MS. VILLIERS:

8 Q. So, when you were denied use of the front
9 lavatory, that made you upset, right, Mr. Nunez?

10 A. Yes. Correct.

11 Q. Okay.

12 A. Frustrated. Frustrated because I had to go to
13 the bathroom.

14 Q. And when you proceeded to the bathroom in the
15 back, you spoke with the flight attendants; correct?

16 A. I did. I did.

17 Q. Okay. And then it was after you spoke to the
18 flight attendants that you used the lavatory; is that
19 correct?

20 A. No, I used the bathroom first. I can't recall
21 the series of events, but I believe I used the bathroom
22 first. And when I was leaving, when I left the bathroom,
23 I got into the discussion with the flight attendants
24 about, you know, hey, we're on the same team. My father
25 was a mechanic for 33 years at American. Why are you

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1 treating me like this? You know, I wouldn't do this to
2 you. And then when I said that I would file a complaint
3 against them is when they took action.

4 Q. So, you expressed your frustration at how upset
5 you were to the flight attendants?

6 A. Yes, they were demonstrating clear bias to me.
7 They were treating me -- I've never been treated like
8 that as a passenger ever. Ever. You know, and -- you
9 know, they again -- I was dressed, you know, I was -- I was
10 dressed casually. I feel -- I feel like that maybe they
11 perceive me as something more because of the way I was
12 dressed. I think they -- again, my opinion.

13 JUDGE RAWALD: That's speculation. That's
14 speculation.

15 MR. NUNEZ: I normally have not been like that.
16 I'm not treated like that, never.

17 JUDGE RAWALD: I understand. I understand.

18 BY MS. VILLIERS:

19 Q. But you were highly upset. This, of course,
20 upset you?

21 A. I was. And plus, because of the discomfort I
22 was feeling due to my condition, I mean, I had, you know,
23 right -- I speak to you right now with that same pain
24 right now. You know, I have to deal with it for a while,
25 you know, until I could treat it. But I have to deal

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1 with it. Right now, I have to go to the bathroom.

2 Q. Did you notify American Airlines -- did you
3 notify American Airlines, you know, that you had any form
4 of a disability or medical condition?

5 JUDGE RAWALD: So, before the flight, you mean?
6 Is that what you are saying?

7 MS. VILLIERS: Correct.

8 JUDGE RAWALD: So, before the flight, did you say
9 you were disabled or in any way needing any special
10 medical care?

11 MR. NUNEZ: No, Your Honor, because I thought it
12 wouldn't be a big deal, that didn't allow me to go
13 frequently.

14 JUDGE RAWALD: It's okay, we just want --

15 MS. VILLIERS: We just want to clarify, right?

16 BY MS. VILLIERS:

17 Q. And so then after that happened, you said that
18 you requested an alcoholic beverage; is that correct?

19 A. Correct. Correct.

20 MS. VILLIERS: Your Honor, if I could refer to
21 Respondent's Exhibit 5-A.

22 JUDGE RAWALD: Okay.

23 MS. VILLIERS: And I believe there are two 5-As,
24 but it's the one of him exiting the aircraft and saying --

25 JUDGE RAWALD: There's only one 5-A that I have,

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1 ma'am. Anything else that is listed as 5A is not 5A.

2 MS. VILLIERS: Okay.

3 JUDGE RAWALD: So, you may have received things

4 that are 5A that are incorrect. 5A is the article with the

5 embedded video within it.

6 MS. VILLIERS: Yes.

7 JUDGE RAWALD: So, yes.

8 MS. VILLIERS: That one, Your Honor. Thank you.

9 JUDGE RAWALD: Okay.

10 MS. VILLIERS: So, if we could just play that

11 really quickly. Will it play with audio, Your Honor?

12 JUDGE RAWALD: Let's see. It played with audio

13 before when we showed this to Ms. Habib, so we'll see.

14 MS. VILLIERS: Just want to listen to the audio

15 clearly.

16 JUDGE RAWALD: As he walks out of the plane?

17 MS. VILLIERS: Yes.

18 JUDGE RAWALD: Sure.

19 (Exhibit R-5A video was played.)

20 MS. VILLIERS: So -- thank you. Thank you, Your

21 Honor.

22 Thank you, Ms. Booker.

23 JUDGE RAWALD: So, Ms. Booker has played 5-A and

24 now we're putting it down. Thank you.

25 BY MS. VILLIERS:

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1 Q. So, again, you know, based on your testimony,
2 Mr. Nunez, what upset you the second time was that they
3 didn't -- you requested an alcoholic beverage and didn't
4 receive it?

5 A. No, Your Honor.

6 Q. Is that correct?

7 A. No, Your Honor.

8 Q. But that's what you testified to prior. You
9 said, and I quote, yes, I requested a drink that had
10 alcohol.

11 JUDGE RAWALD: But then he also requested a
12 non-alcoholic drink, too. He said he requested both.

13 MS. VILLIERS: Understood.

14 MR. NUNEZ: I requested both.

15 BY MS. VILLIERS:

16 Q. Understood. But, if I may finish, but you told
17 the pilot that all you wanted was a soda; is that
18 correct?

19 A. I did, Your Honor. I mean --

20 Q. It's understood. No worries. So, the crew
21 members further denying your drink even made you even
22 more upset; is that correct?

23 A. No, Your -- no. I was already upset from the
24 beginning just for the bias alone. I mean, we can forget
25 about -- you know, we can forget about what I asked for. I

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1 was already upset.

2 JUDGE RAWALD: Ms. Villiers' question really is,
3 were you getting increasingly upset at this situation?

4 MR. NUNEZ: I was not. I was already --

5 JUDGE RAWALD: You already were at your upset
6 level?

7 MR. NUNEZ: Yes.

8 MS. VILLIERS: You were already super upset?

9 MR. NUNEZ: I was not super upset. I was upset,
10 not super. If you look at the video, you can see I went
11 back to my seat peacefully. Your video shows me going back
12 to my seat peacefully.

13 JUDGE RAWALD: Understood.

14 BY MS. VILLIERS:

15 Q. So, Mr. Nunez, when you were seated, didn't you
16 get up and go back to speak with the flight attendants
17 again?

18 A. I had to use the bathroom. Again.

19 Q. That was the first time?

20 A. Again. Again.

21 JUDGE RAWALD: The second time he said he had to
22 go to the bathroom as well and he could not at that time
23 because of the cart being in the way.

24 MR. NUNEZ: Again. Yes.

25 JUDGE RAWALD: Is what he testified to, Ms.

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1 Villiers. So, the second time he went back was to go to
2 the bathroom again.

3 BY MS. VILLIERS:

4 Q. And so, when did you express your frustration
5 about being denied an alcoholic beverage, Mr. Nunez?

6 A. I never -- my expression of my frustration was
7 a blanket frustration of how I was being treated and the
8 bias that I was being treated with, that I felt that I
9 was being treated unfairly. I never made a mention
10 about, hey, give me the drink or nothing like that. I
11 said, look, I don't appreciate how I'm being treated
12 right now. I just said, God's golden rule, treat people
13 how you want to be treated. That's all. I just wanted
14 to be treated fairly.

15 And if I raised my voice to voice my
16 frustration, it was because I was in pain, Your Honor.
17 Plus, that plane is pretty loud. It's a 757, two
18 engines. It was loud. It wasn't like it was quiet on
19 the plane. You know, you have to raise your voice.

20 JUDGE RAWALD: I understand.

21 Ms. Villiers, next question?

22 MR. NUNEZ: And this is how I speak.

23 JUDGE RAWALD: I understand.

24 MS. VILLIERS: Thank you, Your Honor.

25 BY MS. VILLIERS:

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1 Q. So, I want to discuss your medical records that
2 were included as exhibits.

3 JUDGE RAWALD: Ms. Villiers, are you contesting
4 the fact that he has BPH or that he has an enlarged problem?

5 MS. VILLIERS: No, Your Honor. There is something
6 in the medical record that I would like to have the
7 witness clarify.

8 JUDGE RAWALD: Okay. Which medical record is
9 that?

10 MS. VILLIERS: Can we first look on the medical
11 record at 3-A?

12 JUDGE RAWALD: Okay. 3-A, Ms. Booker. And I'll,
13 of course, note that all this is in Spanish. So, the
14 translation that we received in my office -- because it's
15 not a certified translation, it's through the use of
16 Google Translate, but we'll go and look at 3-A.

17 So, Ms. Booker, can you please bring up 3-A?

18 Okay. Where do you want her to go?

19 MS. VILLIERS: And if you could scroll to page 2,
20 in particular, I believe.

21 JUDGE RAWALD: Okay. Second page.

22 BY MS. VILLIERS:

23 Q. And Mr. Nunez, the date of this flight was June
24 3rd, 2022. What is the date of this medical record?

25 A. June 7th, 2000 -- I'm sorry, because Colombia

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1 is different. July 25th, 2022.

2 Q. Do you want to take another look? It looks
3 like, isn't it July 22nd, 2022?

4 A. No, no. It's July 25th, 2022.

5 Q. On page 2?

6 A. Yes.

7 JUDGE RAWALD: It looks like it says 22/7/22 for
8 the service. And the impression of when the actual -- was
9 on the 25th. So, there's two dates there, ma'am.

10 MR. NUNEZ: Oh, okay.

11 MS. VILLIERS: Understood.

12 JUDGE RAWALD: But what's important here, sir, is
13 Ms. Villiers is trying to make the point that this is
14 after the flight, correct, this medical record?

15 MS. VILLIERS: Correct. Correct, Your Honor.

16 MR. NUNEZ: I have medical records before that. I
17 didn't just --

18 JUDGE RAWALD: Just so we're clear though, this
19 medical record you would agree is from after the flight;
20 correct?

21 MR. NUNEZ: Okay.

22 MS. VILLIERS: Correct.

23 JUDGE RAWALD: You would agree with that, Mr.
24 Nunez?

25 MR. NUNEZ: Yes.

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1 JUDGE RAWALD: Okay.

2 MS. VILLIERS: Thank you, Your Honor. And then if
3 we could turn to Exhibit R-3D.

4 JUDGE RAWALD: Right. Ms. Villiers, if we're
5 going to look at dates, once again, I can look at dates.

6 MS. VILLIERS: Perfect.

7 JUDGE RAWALD: If you want to confront him with
8 them, that's fine. But I think he's going to say the
9 nature of what the dates are.

10 BY MS. VILLIERS:

11 Q. And that is the same issue with Exhibit 3-D.
12 So, Mr. Nunez, just to confirm that these medical records
13 are dated after the flight in question; isn't that
14 correct?

15 A. Correct.

16 JUDGE RAWALD: Okay. All right, you can bring
17 that down, Ms. Booker. Okay. Ms. Booker, bring down the
18 exhibit please?

19 Okay. Ms. Villiers?

20 BY MS. VILLIERS:

21 Q. On to another point, Mr. Nunez, you had
22 mentioned earlier that there were no Colombian police in
23 the video; is that correct?

24 A. Correct.

25 Q. Okay. But a moment ago, you mentioned in your

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1 testimony, Colombian police were right out the door?

2 JUDGE RAWALD: These are at the VIP lounge, ma'am.

3 VIP lounge.

4 MR. NUNEZ: VIP lounge.

5 BY MS. VILLIERS:

6 Q. So, were you met with Colombian police after
7 you exited the aircraft?

8 A. Of course.

9 JUDGE RAWALD: Okay. And just so we're not
10 getting off course, Ms. Villiers, the only reason why that
11 came up was because the witness said that he was taken off
12 the plane by police. And it's very obvious to all of us who
13 watched the video that he was not taken off by the
14 police. So, that's the whole reason why we had the
15 discussion. Let's move on. Next point.

16 MS. VILLIERS: Understood, Your Honor. I have
17 only a few more questions for Mr. Nunez.

18 JUDGE RAWALD: Okay.

19 BY MS. VILLIERS:

20 Q. So, Mr. Nunez, did you believe that you were
21 entitled to a drink because of your elite status?

22 A. I felt that I deserved better treatment overall
23 regarding my condition.

24 JUDGE RAWALD: I guess, so as I understand, Mr.
25 Nunez, I'll throw this out a little more so I understand

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1 the background to the question. So, as a passenger in
2 coach, you can receive an alcoholic beverage if you pay
3 for it; is that correct?

4 MR. NUNEZ: At any time.

5 JUDGE RAWALD: Right. And so, were you offering
6 to pay for that beverage when you ordered it?

7 MR. NUNEZ: I was not. I was not.

8 JUDGE RAWALD: Okay. So, if you had been charged
9 for it, would you have paid for it?

10 MR. NUNEZ: No, because I would bring it up, I
11 would give them my card, and then if they follow procedure,
12 they'll see that.

13 JUDGE RAWALD: So, you believe you were entitled
14 to a free beverage, an alcoholic beverage, because of your
15 status on the flight, as a flight member?

16 MR. NUNEZ: Your Honor, I believe I was regardless
17 to what I asked for, or I deserved it, my frustration was
18 I should have been treated better from the beginning.
19 Even if I wasn't an elite passenger, due to my condition,
20 I should have been -- you know, this boils down to me --
21 I mean, we're here now, wasting the Government's money
22 and our time over a bathroom, me using the bathroom, and
23 some overzealous flight attendants who felt they wanted
24 to enforce their draconian policy on me. And that's why
25 I was frustrated. That's all, that's all.

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1 JUDGE RAWALD: I understand. I understand, sir.

2 I just want to be very clear --

3 MR. NUNEZ: You know, Your Honor, Your Honor --

4 JUDGE RAWALD: So, when you asked for a drink, you
5 believe that you were entitled to a drink, both as a
6 passenger, and also based upon your status, you believe
7 this should have been free?

8 MR. NUNEZ: No, no, not as a passenger. Not as,
9 again, I don't -- the drink was a circumstance. I
10 believe I was -- I feel I was entitled to use the
11 bathroom.

12 JUDGE RAWALD: All right. That's not the question
13 from Ms. Villiers. Ms. Villiers' question was simply,
14 did you believe you were entitled to a drink? And you
15 said yes, and I just want to be clear about that.

16 MR. NUNEZ: Yes, yes, yes.

17 JUDGE RAWALD: Ms. Villiers, next question.

18 (No response.)

19 JUDGE RAWALD: We can't hear you, Ms. Villiers.
20 You're not muted, but we can't hear you. Your lips are
21 moving.

22 BY MS. VILLIERS:

23 Q. Oh, I'm sorry about that. Okay.

24 So, Mr. Nunez, just for the record, you know,
25 are you an American Airlines frequent flyer?

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1 A. Not anymore.

2 Q. At the time of the incident, were you an
3 American Airlines frequent flyer?

4 A. I was. I was a Platinum Executive, something
5 like that. It was the highest -- Platinum Executive Pro
6 Passenger.

7 Q. And if you can finish your statement, you were
8 saying it was the highest?

9 A. It was the highest level of frequent flyer that
10 American Airlines had.

11 Q. And when you said not anymore, what do you mean
12 by that?

13 A. Ever since the incident, I've been banned from
14 any association with American Airlines.

15 Q. Any association with American Airlines. What
16 do you mean by that?

17 A. All my flight privileges have been revoked, my
18 advantage, everything has been revoked.

19 Q. So, Mr. Nunez, and of course this is a
20 question, and so why was it revoked?

21 A. Because of this incident.

22 Q. Okay. So, you said because of this incident.
23 Do you mean because of your behavior during this
24 incident?

25 JUDGE RAWALD: Well, that's argumentative,

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1 Counsel. I'm not going to allow it.

2 MS. VILLIERS: Understood.

3 JUDGE RAWALD: He believes it wasn't justified.

4 So, I think we're going to get into a real derailment here.

5 Okay. Next question, please.

6 MS. VILLIERS: Your Honor, I have no further
7 questions for Mr. Nunez.

8 JUDGE RAWALD: Okay. And I have no further
9 questions about what I've heard today, Mr. Nunez. So, I
10 appreciate your testimony. So, as I said, you'll have
11 time to argue. So, we'll have a closing argument which
12 is when you can argue all the points you want to make as
13 far as who was inconsistent and why you think it's not
14 okay. But what's important is testimony is about
15 evidence, and it's what facts you want to offer me.

16 So, I think we got all the facts that you want to
17 offer, right? Any other facts you want to offer at this
18 point? Anything else that you did on the plane that you
19 want to make sure I understand that you did on the plane
20 or did not do on the plane?

21 MR. NUNEZ: Yeah. The motive for me getting up.
22 The fact that I didn't take off during takeoff. Your
23 Honor, I'm 50 years old. I know where we were. I knew
24 we were 35,000 feet above the air. I should have known
25 better, and I apologize about all of this. I should have

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1 never gone down to that level with them.

2 But I just felt, I mean, it wasn't one or two, it
3 was three times that they disrespected me. And I just
4 felt, when is this not okay? Because I felt I was being
5 treated differently because of my appearance, because I
6 was a D3 employee. I understand that this holds no
7 weight here because no one here works for American
8 Airlines. But I can tell you that -- I can tell you that
9 this is a systematic treatment. Just like, you know, you
10 can't deny that --

11 JUDGE RAWALD: That's argument. That's argument,
12 sir. The facts are on the flight you got up because you
13 felt like you had to go to the bathroom.

14 MR. NUNEZ: Your Honor, I had to go. I didn't
15 feel it, I had to.

16 JUDGE RAWALD: I'm sorry. I did not mean to
17 denigrate or to dismiss your concern.

18 MR. NUNEZ: I mean, this is the main reason why
19 we're here.

20 JUDGE RAWALD: I understand. You had the need to
21 go to the bathroom, so you got up. And that's why you got
22 up multiple times. You felt frustrated, as you
23 explained, and we understand that.

24 Any other facts of the flight that you want to
25 make sure you share with me before you're no longer

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1 testifying?

2 MR. NUNEZ: I had -- and I could prove it. I
3 didn't feel it was necessary, but I could prove it to the
4 Court that I've had this, this is a preexisting condition
5 prior to the flight months before.

6 JUDGE RAWALD: All right. It's up to the
7 Government to put a rebuttal at this point to show that you
8 did not have it. We have ample evidence you have the
9 condition.

10 Ms. Villiers made the point that it was -- the
11 records postdate this. I'm not all that concerned about
12 that. If she wants to put in evidence in rebuttal today
13 about the fact that you didn't have it before this, she
14 can do that. We'll see how she does the rebuttal.

15 MR. NUNEZ: I never kicked Ms. Habib's chair. I
16 never, I never did. I never -- she --

17 JUDGE RAWALD: Okay.

18 MR. NUNEZ: This is all perpetuated because of
19 what's transpired.

20 Now, if possible, I'd like to call my witness,
21 Major Diego Pineda.

22 JUDGE RAWALD: Yes. We can call him next as long
23 as you're done telling me all the facts, if you're done with
24 all your testimony.

25 MR. NUNEZ: I'm done with my testimony.

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1 JUDGE RAWALD: Okay. Good. So, now the next
2 thing is Maj. Pineda. Is he here? Is he ready to go?
3 MR. NUNEZ: Yes. Let me check where he is. If
4 you could just give me one second.
5 JUDGE RAWALD: Ms. Booker, is he logged in yet to
6 the Zoom?
7 MS. BOOKER: He is not logged in yet.
8 JUDGE RAWALD: Okay.
9 MR. NUNEZ: Hold on. Hold on. Let me just --
10 MS. BOOKER: The interpreter is here, though.
11 MR. NUNEZ: Who?
12 JUDGE RAWALD: The interpreter is here.
13 MR. NUNEZ: Oh. Would you mind --
14 JUDGE RAWALD: Let's go ahead and take a -- let's
15 go ahead and go off the record. Yes. I'll stay on the
16 Zoom, but let's go ahead and go off the record, Ms. Dunn.
17 (A recess was taken at 1:08 p.m. and
18 proceedings resumed at 1:10 p.m.)
19 JUDGE RAWALD: We're back on the record. We're
20 here now waiting for Mr. Pineda --
21 MR. NUNEZ: Oh, I'm sorry. I'm sorry. Can you --
22 is it possible to send him a link again, because he just
23 requested that.
24 JUDGE RAWALD: Okay. Ms. Booker, if you could
25 please send a link to Maj. Pineda again?

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1 We'll go off the record for a moment.

2 (A recess was taken at 1:11 p.m. and proceedings
3 resumed at 1:16 p.m.)

4 JUDGE RAWALD: Okay. Let's all come back on the
5 record, please.

6 Ms. Klejman, while we're waiting, if you could
7 please raise your right hand, I'll go ahead and
8 administer an oath to you while we're waiting for the
9 witness to log in.
10 Whereupon,

11 KATHERINE KLEJMAN

12 A court interpreter, called for interpretation, having first
13 been duly sworn, interpreted the proceedings as follows:

14 JUDGE RAWALD: Okay. And so, ma'am, as I noted,
15 there will be at least one witness here that will need
16 you.

17 So, Mr. Nunez, you will ask questions in English.
18 The interpreter will interpret them to the witness in
19 Spanish. He will then respond in Spanish and then we
20 will go back.

21 So, it is important, Mr. Nunez, you ask your
22 question in English because we are transcribing this in
23 English and I don't want the interpreter to have to
24 interpret you as well.

25 MR. NUNEZ: Understood.

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1 JUDGE RAWALD: When the witness does get here and
2 get logged in, I will administer an oath to him, which I
3 will go to the interpreter, and then I will briefly
4 explain to him the need to pause before answering a
5 question so the question can be interpreted. And, of
6 course, when he responds, you should pause before asking
7 a question, Mr. Nunez, so the interpreter can interpret
8 for us, okay?

9 (No response.)

10 JUDGE RAWALD: Mr. Nunez?

11 MR. NUNEZ: Yes. (Nodding.)

12 JUDGE RAWALD: You're nodding your head, yes.
13 Okay. Thank you.

14 We're still waiting for the witness to arrive.

15 MR. NUNEZ: I apologize, Your Honor.

16 JUDGE RAWALD: Okay.

17 THE INTERPRETER: And, Your Honor, quick question.
18 If in case of a break, normally I try every 60 minutes or
19 70 minutes or so. Would it be okay to let you know? I
20 will try not to interrupt, obviously, testimony.

21 JUDGE RAWALD: That is fine. We will not go that
22 long, ma'am.

23 THE INTERPRETER: Okay.

24 JUDGE RAWALD: Okay. We have somebody connecting
25 on audio.

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1 Good afternoon. Okay. So, is this -- hold on a
2 second.

3 So, is this Maj. Pineda?

4 MAJ. PINEDA: Yes, Your Honor, this is Maj.
5 Pineda. Good afternoon.

6 JUDGE RAWALD: Okay. Maj. Pineda, I'm going to
7 ask do you have a video, the ability to be on video, or are
8 you going on audio today?

9 MAJ. PINEDA: Audio, Your Honor.

10 JUDGE RAWALD: Okay. Then I ask him to please
11 raise your right hand, and I will administer an oath to him.
12 Whereupon,

13 MAJOR DIEGO PINEDA

14 A witness, called for examination, having first been
15 duly sworn, was examined and testified as follows:

16 JUDGE RAWALD: Okay. Mr. Nunez is going to ask
17 you questions in English that will be interpreted by our
18 interpreter. Please do pause for her to interpret, and
19 then give your answer in Spanish, and then she will
20 interpret it back for us.

21 MAJ. PINEDA: Okay. Understood, Your Honor.

22 JUDGE RAWALD: Thank you. Mr. Nunez, your
23 witness.

24 DIRECT EXAMINATION

25 BY MR. NUNEZ:

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1 Q. Maj. Pineda, good morning.

2 A. Good morning.

3 Q. Maj. Pineda, please state your full name, rank,
4 and position within the National Police of Colombia for
5 the record.

6 I'll shut that off. I'm sorry.

7 Would you like to --

8 THE INTERPRETER: May I begin?

9 JUDGE RAWALD: She can proceed. Go ahead, ma'am.

10 THE INTERPRETER: Interpreter requested to pause
11 one second. There's a lot of information regarding rank,
12 Your Honor. One second.

13 A. My full name is Diego Armada Rivera Pineda. I
14 am with the National Police of Colombia, and I work at
15 the Airport of San Andres.

16 THE INTERPRETER: If the interpreter can request
17 again from the Respondent to please repeat the specifics
18 of the rank, the airport, and after San Andres, so I'm
19 not missing information and can request pauses from the
20 Respondent.

21 JUDGE RAWALD: Okay.

22 THE INTERPRETER: Interpreter's request to pause.

23 A. Yes, I am a Major of the National Police of
24 Colombia. I have a specific service in San Andres and in
25 Santa Catalina, and I am a commander. I cover and

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1 control mostly the national and international flights.

2 And right now I'm in that commission, and I take charge
3 of the departments that I just mentioned.

4 JUDGE RAWALD: Mr. Nunez?

5 BY MR. NUNEZ:

6 Q. Maj. Pineda, how long have you served in your
7 current capacity, and what are your responsibilities
8 regarding incidents at the airports?

9 A. In this commission and in this department, I've
10 been working for two years and nine months. And during
11 the same amount of time, I've been in charge of
12 controlling incidents that take place in the commission
13 around those different units.

14 Q. Maj. Pineda, what is your experience in
15 handling situations involving passengers allegedly
16 intoxicated at airports?

17 A. Well, procedures regarding when an airline has
18 to take charge in regards to a passenger that's been
19 either disruptive, it can be through either alcohol or
20 intoxication, the airline then -- the procedure it follows
21 is the airline informs us and then we remove the person.
22 And then an immigration seal is presented, and then the
23 airline ends up coordinating if that person is allowed to
24 travel or not travel, or if that person needs to fly with
25 another airline.

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1 MR. NUNEZ: I'm sorry, Your Honor. He said that
2 my immigration stamp is removed. That's what he meant to
3 say. The seal -- my immigration stamp, my visa, is
4 removed, is what he meant to say.

5 MS. VILLIERS: Objection. Objection.

6 JUDGE RAWALD: Hold on a second. Yes, because
7 she's -- that's exactly right. So, the interpreter is
8 interpreting.

9 THE INTERPRETER: Yes, thank you. Your Honor. I
10 was going to clarify that as well.

11 JUDGE RAWALD: Mr. Nunez, hold on a second. Let
12 the interpreter interpret. I can't have you testify on his
13 behalf. That cannot happen.

14 THE INTERPRETER: Yes, Your Honor. I would like
15 to clarify. I apologize, that's -- I don't know a lot about
16 airline-specific or travel-specific immigration
17 terminology in regards to that topic.

18 So, can Mr. Nunez repeat the sentence? And if we
19 can request that information again from the Respondent?

20 JUDGE RAWALD: Yes, so what do you want the
21 Respondent to clarify that we have for testimony?
22 Because what you offered is not testimony, Mr. Nunez.
23 So, what do you want him to clarify for testimony?

24 MR. NUNEZ: What I want to clarify is what the
25 translator translated as my seal. There's no seal. It's

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1 a stamp, my passport stamp. My visa was revoked. The
2 visa to leave, my passport.

3 JUDGE RAWALD: So, what you have to do is ask in
4 the form of a question. Say, Maj. Pineda, was my seal
5 removed from my passport upon my arrival, or whatever
6 question you want to ask. I can't have you testify. I
7 can't have you interpret. I know you speak Spanish, but
8 you cannot interpret for the witness.

9 MR. NUNEZ: Your Honor, I'm trying to correct the
10 translator.

11 JUDGE RAWALD: I understand. I understand. But
12 you have to do it through the form of a question, sir. So,
13 if you view the interpretation as bad, ask a follow-up
14 question of the witness. So, please. What is the
15 follow-up question? So, the question is regarding the
16 passport stamp being removed?

17 MR. NUNEZ: Yes.

18 JUDGE RAWALD: Okay. So, ask the question, was
19 your passport stamp removed as part of this process? And if
20 this is about you personally, we're talking about in
21 general. So, if we're going to talk about you
22 personally, let's talk about you personally.

23 MR. NUNEZ: I don't have a question. I just
24 wanted to clarify that to the translator.

25 THE INTERPRETER: Your Honor, if it's okay to

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1 clarify with Mr. Nunez to understand, because, again, I
2 didn't know that that's exactly what it meant. Verify in
3 Spanish, would that be okay?

4 JUDGE RAWALD: Okay.

5 THE INTERPRETER: Interpreter wants to clarify
6 that Mr. Nunez, in Spanish, has clarified that that day he
7 got denied, which has to do with his visa, it has been
8 revoked. He wants to be clarified for the record.

9 JUDGE RAWALD: Well, the question that was asked
10 to Maj. Pineda about Mr. Nunez, it was asked in general
11 about what he does with disruptive passengers. If Mr.
12 Nunez has a question about his own passport, he can ask a
13 question about his own passport.

14 Mr. Nunez, if you have a question, go ahead and
15 ask that. But otherwise, you're not testifying.

16 MR. NUNEZ: Okay. Thank you.

17 BY MR. NUNEZ:

18 Q. Were you called -- Maj. Pineda, were you called
19 to respond to an incident on June 2nd, 2022, involving a
20 passenger on American Airlines flight 1124 at
21 Barranquilla Airport?

22 A. Yes, correct.

23 Q. Maj. Pineda, can you confirm that I was the
24 passenger involved in the incident?

25 A. Yes, Mr. John was the passenger.

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1 Q. Maj. Pineda, what details were given about the
2 incident before my arrival?

3 A. Yes, that the flight staff and the captain had
4 made the decision to take and remove a passenger off the
5 plane due to being in some sort of altercation inside of
6 the cabin.

7 Q. Maj. Pineda, when you first approached me, how
8 would you describe my behavior and attitude?

9 A. No, no. When they informed us, we requested
10 and asked if we needed to use the police techniques to
11 get rid of the passenger. But when I saw Mr. John, he
12 was in a normal demeanor. He was walking out and he was
13 cooperative with the authorities and with anything that
14 the authorities requested of him.

15 Q. Maj. Pineda, did I appear intoxicated,
16 agitated, or belligerent?

17 MS. VILLIERS: Your Honor, objection.

18 JUDGE RAWALD: What's the objection, Ms. Villiers?

19 MS. VILLIERS: The objection is that it's
20 irrelevant and also outside of the scope, Your Honor. This
21 is taking it after the fact of the aircraft when this
22 incident relates to his behavior on the aircraft.

23 JUDGE RAWALD: Yeah, but it also could be
24 mitigating if he was, in fact, not intoxicated or if he was
25 not belligerent at this point. So, furthermore, it could

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1 also just help me understand the whole situation. So, he
2 obviously, at least the testimony is that he was
3 belligerent and violent on the plane. So, when he gets
4 off the plane, if he is not violent or belligerent, it at
5 least helps me understand the situation. So, I'm going
6 to allow the objection be to overruled.

7 Interpreter, please ask the question.

8 MAJ. PINEDA: No, in no instance at all.

9 BY MR. NUNEZ:

10 Q. Maj. Pineda, what were your immediate
11 impressions of my condition?

12 A. Well, he appeared calm and collaborative with
13 the process and the procedures at hand. He was just
14 asking what happened, but that was normal. There was no
15 need to use force or any other sort of medium in order to
16 remove him from the aircraft. He was very collaborative,
17 even through the process of immigration and all
18 throughout the process in immigration.

19 Q. Maj. Pineda, did you observe any signs such as
20 slurred speech, unsteady movements, or other indications
21 that I was under the influence of alcohol or any other
22 substances?

23 A. No. And I'm really not someone that's an
24 expert on the subject of alcohol or substances, but from
25 my point of view and what I was able to notice, he did

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1 not show any of the symptoms mentioned earlier.

2 Q. Maj. Pineda, did you receive any specific
3 complaints from the airline staff or passengers regarding
4 my behavior before or after my arrival?

5 THE INTERPRETER: Interpreter requests to pause
6 one second so I don't miss information. I will continue in
7 one second.

8 A. No. At that moment when he came into the room,
9 we then received a call from the airline. But after the
10 event took place inside the plane, the staff did inform
11 us that we needed to remove him, but it looks as though
12 the passenger voluntarily got out of the aircraft. So,
13 he had chosen to voluntarily leave the plane and we took
14 care of was accompanying him in order to remove him from
15 the airport through the immigration protocols. But there
16 was no other information from the airline.

17 Q. Maj. Pineda, was I administered a breathalyzer
18 test during the incident?

19 A. Yes. These people arrived from the transit
20 police, and they came in order to do the procedure and
21 have the breathalyzer test done. But they also had been
22 informed that it had been negative. It was not
23 necessary, I believe, because the gentleman in no moment
24 appeared aggressive and that he was opposed to the
25 procedures at all.

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1 Q. Maj. Pineda, based on your professional
2 experience, did I fully comply with your instructions and
3 cooperate throughout the process?

4 A. That is correct, yes.

5 Q. Maj. Pineda, is it standard protocol to
6 administer a breathalyzer test when there are suspicions
7 of intoxication?

8 A. That is correct, yes.

9 Q. Maj. Pineda, is it standard protocol to
10 administer a breathalyzer test when there are suspicions
11 of intoxication?

12 A. No, it is not standard. It is only done in
13 order to verify, but it is not standard. It is just, it
14 is not a function that is currently or used to be done in
15 those situations.

16 Q. Maj. Pineda, who ordered the breathalyzer test?

17 A. Yes, it was a top position person within the
18 airport police department.

19 Q. Maj. Pineda, are you aware that I was the one
20 who requested the breathalyzer to Officer Milena?

21 A. Yes, she informed me that they were going to do
22 that procedure. Yes, some time has passed, but yes, she
23 was in charge of doing that procedure.

24 Q. But Maj. Pineda, are you aware that it was I
25 that make the request so she could fulfill it?

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1 A. Yes, she had informed me that they were going
2 to do that procedure. Yes, she informed me that he had
3 requested it in order to do this analysis.

4 Q. Maj. Pineda, based on your observations and the
5 results of the breathalyzer test, would you say I posed
6 any threat or acted disorderly during the incident?

7 MS. VILLIERS: Your Honor, objection.

8 JUDGE RAWALD: Speculation. So, he certainly
9 doesn't know how you acted during the incident. He can
10 certainly talk about how you were on the ground, but he
11 doesn't know about how you were on the plane. I'm not
12 going to allow it, the objection is sustained.

13 Mr. Nunez?

14 BY MR. NUNEZ:

15 Q. Maj. Pineda, did you witness any behavior from
16 me that would justify the airline staff's claims that I
17 was intoxicated or belligerent?

18 MS. VILLIERS: Your Honor, objection again.

19 JUDGE RAWALD: Okay. I'll overrule the objection.

20 BY MR. NUNEZ:

21 Q. Maj. Pineda, in your professional capacity --

22 JUDGE RAWALD: No, no, no. The question is
23 allowed, so he needs to answer it.

24 MR. NUNEZ: Oh, I'm sorry. I thought -- I'm
25 sorry.

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1 JUDGE RAWALD: I overruled the objection.

2 THE INTERPRETER: Maj. Pineda is asking to ask the
3 question again.

4 MAJ. PINEDA: Well, when I received the procedure,
5 I noticed that he was just a normal person. I didn't see
6 any of the symptoms mentioned, but again, I'm not an
7 expert, and I don't have the capabilities to determine if
8 someone is intoxicated or under drugs. I would say that
9 he was in his right mind and he didn't commit any
10 incorrect or inappropriate act.

11 JUDGE RAWALD: Thank you.

12 Mr. Nunez, you may ask your next question.

13 BY MR. NUNEZ:

14 Q. Maj. Pineda, in your professional capacity, how
15 important is it to accurately document and report
16 incidents like this?

17 JUDGE RAWALD: I'm not going to allow that
18 question, Counsel. So, we're certainly not going to go and
19 impeach the FAA's investigation with the Respondent's own
20 investigatory skills. So, the objection -- I'm not going
21 to allow the question.

22 Next question, Mr. Nunez.

23 BY MR. NUNEZ:

24 Q. Maj. Pineda, do you believe your testimony
25 today reflects the truth about my behavior and the events

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1 that occurred that day?

2 JUDGE RAWALD: He is sworn in under oath, sir, so
3 I hope he is telling the truth. I'm not going to question
4 that. So, the objection -- I'm not going to allow that
5 question.

6 Next question, sir.

7 BY MR. NUNEZ:

8 Q. Were there any other passengers or witnesses
9 who observed my behavior and could corroborate your
10 assessment of my sobriety?

11 A. Well, it would be probably the personnel in
12 regards to the police that took the procedures at hand
13 and did the procedures, but aside from that, no, because
14 the event took place inside of the plane. This was at --
15 there were no other witness in the platform, the event
16 took place inside of the plane, we received him in this
17 room. But in regards to his behavior I would say that he
18 appeared sober and calm.

19 Q. Last question. Maj. Pineda -- forget that
20 question.

21 Maj Pineda, are you familiar with my motives
22 for travel?

23 MS. VILLIERS: Your Honor, objection. The
24 relevance is not clear for that question.

25 JUDGE RAWALD: So, Counsel, what -- Mr. Nunez,

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1 what is the relevance of this question?

2 MR. NUNEZ: I'm just trying to establish a pattern
3 of frequent travel.

4 JUDGE RAWALD: Okay. But nobody is contesting the
5 fact that you travel a lot or that all those things
6 happen. So, that's not -- the issue isn't whether you
7 travel to Colombia often or whether you are there to
8 visit your son. That's not the issue at all. No one is
9 contesting that fact at all, so I'm not going to allow
10 you to go down that path.

11 BY MR. NUNEZ:

12 Q. Last question. Maj. Pineda, have I ever
13 demonstrated any behavior like this since you've met me?

14 MS. VILLIERS: I'm sorry, objection.

15 JUDGE RAWALD: I just want to be clear on the
16 question. So, any behavior like what you're alleged to
17 have done here on the flight?

18 MR. NUNEZ: Correct.

19 JUDGE RAWALD: So, I guess the question, as I will
20 allow it, would be, Maj. Pineda, has there ever been an
21 occasion where you observed Mr. Nunez to act in a manner
22 that was belligerent or intoxicated when on or near a
23 flight? So, that's the question I'll allow. Okay?

24 MAJ. PINEDA: No, no, no. I've never experienced
25 situations with Mr. Nunez such as the one that occurred.

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1 He travels constantly, and he never presented those
2 characteristics.

3 JUDGE RAWALD: Okay. Mr. Nunez, any other
4 questions?

5 MR. NUNEZ: No further questions, Your Honor.
6 Thank you, Maj. Pineda.

7 JUDGE RAWALD: Ms. Villiers, any questions for Maj
8 Nunez?

9 MS. VILLIERS: I do.

10 JUDGE RAWALD: Maj. Pineda, I'm sorry. Not Maj.
11 Nunez, excuse me. So, Maj. Pineda, you do. Okay.

12 MR. NUNEZ: I was Sergeant Nunez.

13 CROSS-EXAMINATION

14 BY MS. VILLIERS:

15 Q. Good afternoon, Maj. Pineda.

16 A. Good afternoon.

17 Q. Based on the last question, outside of this
18 incident, do you know Mr. Nunez?

19 A. No, but in regards to procedures that have to
20 do inside of the airport, we normally inspect and check
21 all passports from all passengers, and we have sort of a
22 log. And I know that he travels a lot, he travels
23 constantly, so we normally check the passports, people
24 that come in, and we would see that he would travel often
25 to Colombia, especially through Barranquilla.

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1 Q. So, to clarify, so you don't know Mr. Nunez
2 outside of this incident?

3 A. No, he's simply a frequent flyer to
4 Barranquilla when I was commissioned at the Barranquilla
5 airport.

6 Q. And so you cannot speak to Mr. Nunez's demeanor
7 outside of this incident?

8 A. Well, in regards to the normal behavior of
9 passengers who travel, he never, sort of, had another
10 issue or altercation or irregular sort of behavior when
11 flying.

12 JUDGE RAWALD: Anything else, Ms. Villiers?

13 MS. VILLIERS: Yes, Your Honor.

14 JUDGE RAWALD: Okay.

15 BY MS. VILLIERS:

16 Q. Maj. Pineda, did you conduct the breathalyzer
17 test in this incident?

18 JUDGE RAWALD: No, he already said he didn't.

19 Q. Have you ever administered a breathalyzer test?

20 JUDGE RAWALD: Ms. Villiers, hold on. He said he
21 doesn't have this area of expertise, this is not his
22 area.

23 MS. VILLIERS: Understood, Your Honor. If I may
24 ask one more question, but let me know if it's not
25 appropriate.

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1 BY MS. VILLIERS:

2 Q. Do you know if the device that was used here
3 was functioning the way it should at the time the test
4 was administered?

5 JUDGE RAWALD: Okay.

6 A. Yes, I would say that this equipment is well
7 taken care of and calibrated up to the date in order for
8 the operation that is going to be done to take place in a
9 correct manner. I would say that these are trustworthy
10 equipments for the process.

11 Q. Maj. Pineda, are you a part of the team or are
12 you the individual that maintains these devices?

13 A. No, I am not. You would say that they are
14 policemen who work in another division and the lieutenant
15 requested them for this procedure, but I do not have
16 direct contact with them, nor do I manipulate the
17 equipment.

18 Q. All right. Maj. Pineda, last question on this
19 point, so you cannot speak to the fact that this
20 particular device functioned the way that it should have
21 at the time that it was used?

22 A. Well, the functionaries that took and the
23 people that administered the test make sure that the
24 equipment is capable and that it is calibrated. So, when
25 they do these procedures and use the equipment, they make

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1 sure that it is in working order.

2 JUDGE RAWALD: Anything else, Ms. Villiers?

3 MS. VILLIERS: Moving on to another point, Your
4 Honor.

5 BY MS. VILLIERS:

6 Q. Maj. Pineda, do you believe that the Respondent
7 could have calmed down upon seeing the police?

8 A. Well, I can't say specifically that he calmed
9 down as he got to the room, but I would speak to how calm
10 he seemed and how collaborative and how helpful he was
11 with the authorities.

12 JUDGE RAWALD: We can't hear you.

13 THE INTERPRETER: Me, Your Honor?

14 JUDGE RAWALD: No, Ms. Villiers.

15 Ms. Villiers, we cannot hear you. We cannot hear
16 you. Okay, yeah, but wherever your microphone is, it's
17 not working. Now I can hear you a little bit.

18 MS. VILLIERS: Can you hear me now?

19 JUDGE RAWALD: Yes, but whatever you're doing with
20 your microphone, when you move away from it, it's hard to
21 hear. Go ahead and speak.

22 MS. VILLIERS: Okay. Understood. Thank you.

23 BY MS. VILLIERS:

24 Q. So, you were not on the aircraft before?

25 JUDGE RAWALD: Come back to the microphone, ma'am.

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1 You're going away from the microphone. I cannot hear
2 you. You need to be closer.

3 MS. VILLIERS: Are you hearing me now, Your Honor?

4 JUDGE RAWALD: Yes. Yes.

5 MS. VILLIERS: Okay. That's odd. That has never
6 happened before.

7 JUDGE RAWALD: I know, but you keep moving around,
8 and as you move around, it's making it hard to hear. So,
9 stay where you are, please.

10 MS. VILLIERS: Understood, Your Honor.

11 BY MS. VILLIERS:

12 Q. So, Maj. Pineda, you were not on the aircraft
13 at the time of the incident, so is it true that you do
14 not know how he acted while on board the aircraft?

15 JUDGE RAWALD: I mean, the answer is obvious. He
16 wasn't on the plane. He doesn't know how he acted. I'm
17 not allowing the question.

18 MS. VILLIERS: Understood, Your Honor.

19 JUDGE RAWALD: Right, his testimony is merely
20 about how the gentleman acted upon seeing him in a room that
21 he was taken to after being deplaned.

22 MS. VILLIERS: And just a few more questions, Your
23 Honor.

24 BY MS. VILLIERS:

25 Q. Maj. Pineda, did you speak with any of the crew

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1 members that was aboard that flight?

2 A. No, I didn't speak to any member of the crew
3 members of the aircraft.

4 Q. Okay. So, did your investigation include any
5 statements from anyone that was on that flight?

6 A. No, I did no investigation and there was no
7 investigation done. They just informed us that there was
8 a disruptive passenger, and then all we did was accompany
9 him because he had to go through immigration procedures
10 since the flight had been done and the crew had mentioned
11 that he was not flying.

12 Q. Understood. In earlier testimony, and just to
13 clarify, why was his passport stamp removed? Why was his
14 visa revoked?

15 A. Well, I don't know anything in regards to the
16 visa because it has to do with immigration with Colombia,
17 but when a passenger is traveling and this occurs, they
18 normally take away the seal, the stamp, and they remove
19 his exit, and this is what they do in regards to the
20 procedures when it comes to travel.

21 Q. Understood. And I have one last question, Your
22 Honor.

23 And so, just to clarify, was it mentioned in
24 his testimony that a visa was revoked?

25 JUDGE RAWALD: No, he didn't say that. Just to be

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1 very clear, he talked about general things he does. Mr.
2 Nunez then tried to properly interpret what was
3 misinterpreted by the Spanish interpreter. Nothing was
4 said about what happened to Mr. Nunez. There was nothing
5 about Mr. Nunez's passport, nothing relevant. Simply,
6 the immigration folks simply said he didn't exit because
7 he did not exit the country. He's back in the country.
8 So, no confusion here, let's move on. That point is not
9 important to me today.

10 Anything else, ma'am?

11 MS. VILLIERS: Sir, we're just trying to ascertain
12 whether or not it was because of this incident.

13 JUDGE RAWALD: Let's move on.

14 MS. VILLIERS: No further questions, Your Honor.
15 No further questions.

16 JUDGE RAWALD: Okay. Any redirect based on cross,
17 Mr. Nunez?

18 MR. NUNEZ: Excuse me, Your Honor?

19 JUDGE RAWALD: Any redirect, any additional
20 questions based on cross-examination?

21 MR. NUNEZ: No, Your Honor.

22 JUDGE RAWALD: Then we will go ahead and let Maj.
23 Pineda go.

24 If you could interpret for me.

25 Mr. Pineda -- Maj. Pineda, thank you for your

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1 time. You can please go ahead and log off of Zoom. We
2 appreciate your testimony.

3 MAJ. PINEDA: Thank you very much, Your Honor.

4 JUDGE RAWALD: So, Mr. Nunez, so we've heard from
5 Maj. Pineda. You had one more witness on your witness
6 list. Are you calling Mr. Cura?

7 MR. NUNEZ: Mr. Cura is unavailable and I guess
8 we're going without him. That's it. I rest.

9 JUDGE RAWALD: Okay. So, he's rested.

10 Ms. Villiers, any rebuttal from the Complainant?

11 Oh, I'm sorry. Ms. Klejman, you can go ahead and
12 log off now. Your time has been appreciated, but we no
13 longer need your services.

14 THE INTERPRETER: Thank you so much, Your Honor.
15 Thank you so much, everybody. Have a great day.

16 JUDGE RAWALD: Okay. Thank you.

17 Ms. Villiers, now turning to you. Any rebuttal
18 from the FAA?

19 MS. VILLIERS: Your Honor, may we just have a
20 break or adjourn for five minutes?

21 JUDGE RAWALD: You may have five minutes. We'll
22 be back at 2:07.

23 MS. VILLIERS: Okay. Perfect. Thank you.

24 (A recess was taken at 2:02 p.m. and
25 proceedings resumed at 2:07 p.m.)

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1 JUDGE RAWALD: Okay. It's 2:07. Let's get back
2 on the record, folks. Okay. Ms. Dunn, let's get back on
3 the record.

4 Okay. Ms. Villiers, we took a five-minute recess.
5 We're back on the record now. Is there a rebuttal from
6 your side?

7 MS. VILLIERS: Yes, Your Honor. We would like to
8 call for ASI Ronny Moon to speak to one particular point.

9 JUDGE RAWALD: Okay. Mr. Moon, I remind you, you
10 are under oath. So, please, sir, you still remain under
11 oath.

12 Your witness, Ms. Villiers.

13 MS. VILLIERS: Thank you.

14 REBUTTAL EXAMINATION

15 BY MS. VILLIERS:

16 Q. Mr. Moon, during your investigation, did you
17 come across any information regarding Mr. Nunez's police
18 interaction?

19 JUDGE RAWALD: Mr. Moon, you are muted. Thank
20 you.

21 A. Yes, in the report, the IRS report, the
22 enforcement report, Nick DelaJose, who is a gate agent at
23 that airport, when they returned back to the gate, and in
24 his report, he repeated what the flight attendants had
25 told him and the captain had told him, but he spoke of

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1 the local airport police stating in his report that --

2 MS. VILLIERS: I'm sorry, Mr. Moon. Before you
3 continue, I'm sorry to interrupt. Your Honor, I'd just
4 like to bring your attention to Exhibit C-9.

5 JUDGE RAWALD: Okay. Would you like to do a run-
6 up? Is that what you're asking, Ms. Villiers?

7 MS. VILLIERS: Yes. Thank you, Your Honor.

8 JUDGE RAWALD: Okay. Exhibit C-9, please. Okay.
9 But if you're going to repeat this report, I've already
10 have it in evidence. That's not rebuttal. It's already
11 in evidence, so.

12 MS. VILLIERS: Understood, Your Honor. But I
13 would like to take this opportunity just to highlight one
14 thing in the report, but before I do --

15 JUDGE RAWALD: That's not rebuttal. This is
16 evidence, we already have it. You can bring it up in
17 argument. Is there new evidence -- is there some evidence
18 he's responding to here, that he's offering, or is he
19 simply going to tell us what's in C-9?

20 MS. VILLIERS: It's just simply one point on Mr.
21 Nunez's interaction with local police.

22 JUDGE RAWALD: To be clear, is the witness
23 offering me information that's outside C-9, or will I be
24 able to read it when I read C-9?

25 MS. VILLIERS: No, you will see when you read C-9,

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1 Your Honor.

2 JUDGE RAWALD: That's not rebuttal, then. Let's
3 go. What else do you have? Anything else?

4 MS. VILLIERS: No, Your Honor. That's it.

5 JUDGE RAWALD: Thank you. Okay. Let's go ahead
6 and put the exhibit down. I have the exhibit in evidence.
7 I read it. I will read it again, okay, in the context of
8 Mr. Nunez's evidence.

9 MS. VILLIERS: Okay.

10 JUDGE RAWALD: Anything else from you on rebuttal,
11 ma'am?

12 MS. VILLIERS: No, Your Honor.

13 JUDGE RAWALD: Okay. Thank you. Then we'll go
14 ahead and do argument.

15 So, Ms. Villiers, you're up first. What argument
16 do you have to offer?

17 MS. VILLIERS: Your Honor, one second, if I may.

18 JUDGE RAWALD: Okay.

19 MS. VILLIERS: Just pull up my relevant documents
20 here. Your Honor, if I may begin the closing argument?

21 JUDGE RAWALD: You may.

22 MS. VILLIERS: So, Your Honor, the FAA holds the
23 burden of proof here to prove by preponderance of
24 evidence that the Respondent, Mr. John Nunez, interfered
25 with crew member duties while on board American Airlines

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1 flight 1124 from Barranquilla, Colombia, to Miami, Florida,
2 on June 3rd, 2022, as it operated under Part 121.

3 Your Honor, the complaint in this case alleges
4 that the Respondent's behavior was in violation of Section
5 121-580 of the Federal Aviation Regulations, better known
6 as the Interference Rule. Furthermore, the FAA's
7 proposed civil penalty of \$10,500 is reasonable and
8 justified based on the totality of circumstances in this
9 case surrounding the violations. As such, the Agency's
10 position is that, based on the decisions of this Court,
11 Judge finds in favor of the FAA's warranty.

12 So, as you are aware, Your Honor, it's not
13 disputed that Respondent was a passenger on the
14 aforementioned flight. He has also admitted that the flight
15 was returned to Barranquilla, and we have been given no
16 indication that any other passengers were escorted off
17 the aircraft, only Mr. Nunez. So, based on the
18 overwhelming evidence, which is substantial, probative,
19 and reliable, the Respondent acted in a disruptive manner
20 and was argumentative with cabin crew.

21 So, further, Your Honor, here today you heard
22 evidence that Respondent acted even aggressively towards
23 the cabin crew. Respondent wanted to use the business
24 class lavatory and was denied, and after being directed
25 to the lavatory for the main cabin, he was aggressive to

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1 the flight attendants. Today, evidence from members of
2 the cabin crew and a fellow passenger who was on board
3 flight 1124 and, of course, the FAA's investigator
4 testimony supports the violation that was charged.

5 The testimony from the two flight attendants, Ana
6 Maria Sanchez and Maria Quiroz, show that on two
7 occasions the Respondent was aggressive with them as they
8 were stationed at the back of the aircraft. We heard
9 particularly that he was yelling and acting so aggressive
10 when denied alcoholic beverages that the flight
11 attendants felt afraid of him and used the beverage cart
12 to block or provide protection from Mr. Nunez.

13 Passenger Rebecca Habib, who doesn't know the
14 flight attendants and has never worked for the airline, also
15 testified that she heard him yelling at the stewardess or
16 stewardesses at the back of the aircraft, and that because
17 of that situation created by the Respondent on flight
18 1124, the flight attendants appeared, using passenger
19 Habib's words, stressed.

20 JUDGE RAWALD: I do want to make clear that the
21 witness, Ms. Habib, actually said she could identify who
22 was yelling. She just heard yelling from the back of the
23 aircraft. She wasn't clear if it was the Respondent or
24 the flight attendants. Her credibility, of course, is
25 not the best compared to the other witnesses, but let's

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1 move on.

2 MS. VILLIERS: So, all three witnesses who were
3 present on the flight observed Respondent's behavior and
4 said unequivocally that he was aggressive and that they
5 were actually scared while on board due to his behavior.
6 Even the Respondent, Your Honor, has admitted that he was
7 upset and he was frustrated. He further admitted that he
8 was loud, right, albeit because of his New York demeanor.
9 He has admitted, Your Honor, that his behavior was loud,
10 he was upset, he was frustrated.

11 JUDGE RAWALD: I just want to understand, is there
12 any room for justification in your office's mind? So, is
13 there any time where being loud or aggressive or
14 frustrated and expressing that is justified in any way?
15 As the Respondent here is arguing, it would be because of
16 his medical condition.

17 MS. VILLIERS: So, Your Honor, here, the medical
18 condition raised by your Respondent, by the Respondent,
19 does not justify his behavior.

20 JUDGE RAWALD: I just want to understand, just
21 hypothetically speaking, is there a medical condition
22 such that will justify it? Or is it your position that
23 there's never any justification for this kind of
24 behavior?

25 MS. VILLIERS: I mean, Your Honor, so there is a

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1 wide spectrum of medical conditions, right, that may
2 result in an individual acting out of the ordinary,
3 right? So, those that perhaps suffer from mental or
4 emotional illnesses aboard the aircraft, for instance, an
5 individual that perhaps maybe suffers from schizophrenia
6 and attempts to breach the cockpit. Not that that
7 behavior is allowed, but if it is supported by valid
8 medical evidence, valid and relevant medical evidence,
9 then perhaps there are hypothetical cases. But, Your
10 Honor, the FAA's position here is that in this case, no
11 medical condition has been asserted or documents asserted
12 to justify a Respondent's behavior, right.

13 So, just in terms of -- and Your Honor, I will
14 skip to his medical condition as you had brought it up. But
15 if this is his defense, one, it doesn't satisfy a
16 Respondent's burden of proof, right, based on a
17 preponderance of evidence, right. And he did have access
18 to use a lavatory during the flight, right. He was
19 seated in row 17C, which we all know is a bit of a ways
20 from the front of the aircraft cabin. And so at not one
21 point in time was he denied, based on the evidence in the
22 record and the testimony here today, he was never denied
23 access to use the main cabin lavatory.

24 Respondent was disgruntled because he was not
25 allowed to use the business class cabin. Also, based on

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1 Respondent's testimony, it seems his frustration was also
2 that he was a priority passenger and normally has access
3 to the business class lavatory and seemingly felt
4 offended that he was denied use. So, this case does not
5 appear to be about his unfortunate medical condition as
6 he had full access to the laboratory.

7 Now, again, based on the testimony provided here
8 today, he also again got into a confrontation with the
9 flight attendants over not serving him a beverage. Your
10 Honor, the Respondent in his testimony, in looking on the
11 medical records which have been admitted into the
12 exhibit, are dated after the flight -- are dated months
13 after the flight. Therefore, there's no evidence that
14 has been provided, no documentary evidence provided on
15 the record that he was suffering from this medical
16 condition at the time of flight.

17 JUDGE RAWALD: Well, I guess I would disagree. I
18 mean, I think the circumstantial evidence you can draw
19 from the evidence that we have is the record close in
20 time of the flight to understand the condition he may
21 have been around at the time of the flight. What's
22 important to me is the fact that you didn't in rebuttal
23 then disprove that he had it. So, I think you've raised
24 enough information to find it. So, I would look at that
25 in that lens.

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1 But let's go off the medical record. Let's talk
2 about the fact that you now think that there was no basis
3 for him, no justification for his actions. So, and
4 that's why you want to get to the penalty you want to get
5 to.

6 Anything else you want to talk about the actual
7 offense of interference?

8 MS. VILLIERS: Yes, Your Honor. Just to mention,
9 I would like to -- of course, the crew members testified to
10 how they felt threatened and we also provided video
11 evidence. Just a note, Your Honor, on the point that
12 Respondent raised in terms of intoxication. It is the
13 Complainant's position that Respondent has misplaced a
14 lot of this case here focusing on whether or not he was
15 intoxicated. Your Honor, a determination of whether or
16 not he was intoxicated, or a position is not relevant in
17 proving the violation in this case. This is not a case
18 where we are alleging a violation of 121-575, which is,
19 of course, where a passenger consumes his or her own
20 alcohol on board a flight. And so, for an interference
21 violation, a passenger may very well be sober and still
22 be found in violation of 121-580.

23 JUDGE RAWALD: I understand. I also actually
24 heard a witness say that he actually views it to be worse if
25 someone's interfering and they're sober versus being

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1 intoxicated, because at least there's some sort of reason
2 to think they would do it.

3 MS. VILLIERS: Right. So, I was also -- correct,
4 Your Honor. I was also about to say that Inspector Moon
5 even testified to the fact that whether or not even if he
6 was sober, that wouldn't have been exculpatory evidence,
7 right? And that is the reason why, of course, he did not
8 see the need to seek irrelevant evidence from the
9 Colombian police on the matter of intoxication. So,
10 simply put, the amount of alcohol that Respondent had or
11 have in his system plays no role in this case. But, Your
12 Honor, however, this certainly gives food for thought
13 because based on testimony from multiple witnesses heard
14 today, Respondent's behavior was so seemingly outlandish
15 and disruptive that multiple individuals thought that he
16 was under the influence. Therefore, Your Honor, that
17 paints a picture of how out of the ordinary that
18 Respondent's behavior was.

19 Further, Your Honor, the Complainant would like to
20 note in terms of the testimony of Maj. Pineda, Maj.
21 Pineda, of course, testified to a large extent or a great
22 degree about the test results from this breathalyzer
23 test. Your Honor, even Maj. Pineda said himself he is no
24 expert on alcohol or being under the influence, right?
25 So, he has never administered a breathalyzer test.

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1 And as a matter of fact, as you know, the scope of
2 this complaint is Respondent's conduct on board an
3 aircraft being operated on the part 121. Maj. Pineda was
4 not on board the aircraft. Maj. Pineda did not speak to
5 any of the other crew members or passengers on the
6 aircraft to get another impression of Respondent's
7 behavior while on the aircraft.

8 JUDGE RAWALD: Okay. Anything else?

9 MS. VILLIERS: On the matter of interference, Your
10 Honor, FAA's Inspector Moon, who testified that he has
11 been an inspector specializing in cabin safety for 13
12 years, he also has extensive experience as a flight
13 attendant. Flight Attendant Ana Maria Sanchez and both
14 Maria Quiroz have each -- one has 9 years of flight
15 attendant experience, and then the other one has actually
16 34 years of experience. And they all testified that
17 flight attendant duties, to paraphrase Your Honor,
18 includes responding to medical emergencies, responding to
19 any security issues, et cetera, et cetera, on board. And
20 we heard testimony today that because of Respondent's
21 conduct, in essence, it took them away from performing
22 their regular duties.

23 Your Honor, as a matter of fact, there are
24 decisions, for instance, in Recondor, where it states
25 that, you know, the cabin crew is required to be fully

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1 ready to deal with matters or situations which pose a
2 risk to safety and security of the flight. Another case
3 in the matter of David Gilbertson, that initial decision
4 was before Administrative Law Judge J.E. Sullivan. And
5 that, in that case, they cited, kind of, several cases
6 which spoke about disruptive passenger behavior sews
7 destruction and chaos in an environment where law and
8 order is paramount, right. In that --

9 JUDGE RAWALD: Just so you know, Ms. Villiers,
10 other ALJ's decisions are not binding precedent.

11 MS. VILLIERS: Understood, Your Honor.

12 JUDGE RAWALD: So, while I appreciate you bringing
13 it up, the language is not helpful. I have extensive
14 number of cases in this area, as you may know, and Mr.
15 Moon knows because he's been a witness in them before.
16 And so, let's move on. So, I have the case law. What
17 else?

18 MS. VILLIERS: Okay. You have the case law. So,
19 I will move kind of past the case law. One thing that I
20 wanted to point out is case law has also shown that using
21 profane language has found to be causing interference
22 with crew member duties as well as disobeying
23 instructions, et cetera. And here, we heard flight
24 attendant testimony that responded hurled insults at the
25 flight attendant, right? Flight attendant Sanchez stated he

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1 called them bitches, right, and hurled further insults as
2 well, which is also noted in their now admitting
3 contemporaneous statement, right?

4 So, based on this case, based on both documentary
5 evidence, witness testimony evidence, also video
6 evidence, we see where the flight crew members or the
7 cabin crew members, I should say, the flight attendants,
8 particularly the two that testified here today, had to
9 take protective measures because of the Respondent's
10 conduct. And of course, the captain himself had to
11 divert from his duty, getting the flight safely to Miami,
12 to return the flight to Barranquilla, even though they
13 had a substantial ground over the course of their flight,
14 to return it to Colombia.

15 JUDGE RAWALD: Okay. Anything else?

16 MS. VILLIERS: Yes, Your Honor. The Respondent
17 has also asserted a potential or alluded to potential bias
18 from the flight attendants based on the type of ticket
19 that he was traveling on. But both flight attendants
20 testified that they treat all passengers the same, right.
21 And they also explained in their testimony that it was
22 his behavior initially, his disruptive behavior initially
23 that led them to look him up in the system.

24 So, therefore, Your Honor, based on a
25 preponderance of evidence, both heard here today and in the

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1 record, the FAA's position is just that the Respondent
2 interfered with the crew members' duties -- multiple crew
3 members' duties aboard flight 1124.

4 Your Honor, if I may now turn to the proposed
5 sanction.

6 JUDGE RAWALD: Okay.

7 MS. VILLIERS: It is our position that the
8 sanction in this case is appropriate. So, the Complainant
9 in the complaint, we have proposed a sanction of \$10,500 in
10 the present case. As you know, FAA Order 2150.3C discusses
11 policies and guidance related to the FAA's compliance and
12 enforcement program and was implemented to promote
13 standardization and uniformity of the same. So, FAA
14 Order 2150.3C, particularly Chapter 9, provides sanction
15 determination guidance for all FAA legal enforcement
16 actions. When a sanction is imposed for a punitive or
17 deterrent purpose as opposed to a remedial one, Your
18 Honor, civil penalties are appropriate.

19 Civil penalties assessed in enforcement actions
20 are assessed in enforcement actions against commercial
21 airline passengers because they are not certificate
22 holders. In this present case, Respondent violated the
23 interference rule. When he boarded flight 1124 --

24 JUDGE RAWALD: You already told me this. Let's
25 move on to why you think the civil penalty --

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1 MS. VILLIERS: All right, Your Honor.

2 JUDGE RAWALD: Okay.

3 MS. VILLIERS: So, the sanction guidance on

4 2150.3C provides particular steps. So, step 1 is the use of

5 the table of violations in Figure 9-9 that allows you to

6 identify the severity of the violation. Step 2 --

7 JUDGE RAWALD: What's the severity here?

8 MS. VILLIERS: Severity 2, Your Honor.

9 JUDGE RAWALD: Okay. Thank you.

10 MS. VILLIERS: Then you identify the culpability

11 of the violator.

12 JUDGE RAWALD: Okay.

13 MS. VILLIERS: From there --

14 JUDGE RAWALD: And here's the culpability as what,

15 ma'am?

16 MS. VILLIERS: The culpability here, Your Honor,

17 is reckless or intentional.

18 JUDGE RAWALD: Okay.

19 MS. VILLIERS: The Respondent's conduct was

20 reckless at a minimum, but, you know, was likely

21 intentional. Okay. Again, he has admitted to being upset

22 and frustrated and explained his reasons.

23 So, from there, we proceed to the sanction ranges

24 table.

25 JUDGE RAWALD: I think, actually, you go to the

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1 sanction matrix, ma'am, but that's okay. So, if you were
2 to follow --

3 MS. VILLIERS: You go to the sanction matrix.
4 Correct. You go to the sanction matrix, which tells you
5 whether or not the sanction -- it tells you the
6 appropriate sanction range. From there --

7 JUDGE RAWALD: And in this case, it's what, ma'am,
8 in your opinion?

9 MS. VILLIERS: In this case, the appropriate
10 sanction range is between 7,500, Your Honor, and 10,500.

11 JUDGE RAWALD: So, you believe it to be a fine in
12 the sanction matrix, and then you go to the sanction
13 range?

14 MS. VILLIERS: Yes, Your Honor.

15 JUDGE RAWALD: Okay. And so, it's 7,500 to
16 10,500?

17 MS. VILLIERS: Yes, Your Honor.

18 JUDGE RAWALD: And so, this is the maximum
19 possible out of that range?

20 MS. VILLIERS: Correct. And then the next step is
21 to apply any aggravating or mitigating factors to
22 determine the appropriate sanction.

23 JUDGE RAWALD: Okay. So, what aggravating factors
24 are you using to get to 10,500?

25 MS. VILLIERS: Your Honor, so, of course, as you

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1 know, there are a number of aggravating factors. And
2 2150.3C states that the list is --

3 JUDGE RAWALD: I just want to know the ones that
4 apply in this case.

5 MS. VILLIERS: So, the ones that apply in this
6 case, Your Honor, is we're looking on the degree of hazard.

7 JUDGE RAWALD: Okay.

8 MS. VILLIERS: And then we are also looking at the
9 mere fact that this flight with 100 passengers was
10 diverted back to Barranquilla. Again --

11 JUDGE RAWALD: That's not aggravating. It's
12 listed in the rules, right, is what you're saying to
13 consider.

14 MS. VILLIERS: Well, 2150.3C says that the list in
15 2150.3C is not exhaustive, and that, of course, we can
16 consider other factors as aggravating.

17 JUDGE RAWALD: So, the diversion of a flight over
18 100 people, you believe is aggravating in addition to the
19 degree of hazard. Okay. Anything else?

20 MS. VILLIERS: Correct. So, the degree -- Your
21 Honor, would you like me to go through the -- may I go
22 through the --

23 JUDGE RAWALD: No, no. I want to understand. So,
24 those are the two aggravators, correct? That's what you
25 believe them to be?

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1 MS. VILLIERS: Correct, Your Honor.

2 JUDGE RAWALD: Okay. And I will -- and you will,
3 of course, agree that Mr. Moon didn't testify to either one
4 of these. They are coming from you and from an argument;
5 correct? He did not imply that there were any
6 aggravators in his testimony.

7 MS. VILLIERS: If he didn't -- if Mr. Moon didn't
8 apply any aggravating --

9 JUDGE RAWALD: Mr. Moon was not asked the question
10 on direct examination whether he viewed there to be any
11 aggravation; correct? There's no testimony regarding
12 aggravation, is there, Ms. Villiers?

13 MS. VILLIERS: There isn't, Your Honor. But his
14 testimony is just as it pertains to his particular
15 investigation.

16 JUDGE RAWALD: That's fine. You didn't ask him
17 the question of whether there was any aggravation in his
18 opinion, so we don't have his opinion on the matter.
19 Okay. So, in your opinion, as Counsel, you're saying the
20 degree of hazard and the fact that the plane was diverted
21 with over 100 people is worthy of aggravation. Now, tell
22 me about those things.

23 MS. VILLIERS: Yes, Your Honor. So, as heard in
24 -- so, first, we're -- in terms of degree of hazard, right.
25 So, as heard in the testimony of the flight attendants.

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1 Your Honor, you know, they were terrified of him, right.
2 They were terrified of his behavior. They had multiple
3 interactions with him and to that degree, they used the
4 service cart to block themselves. So, that tells you,
5 you know, how out of the ordinary that his behavior was.
6 This type of, kind of, blatant behavior, of course, poses
7 a huge safety risk on an aircraft and warrants this type
8 of aggravation to be applied to the sanction.

9 Furthermore, Your Honor, the returning of the
10 aircraft. So, the mere fact that the flight was well on
11 its way, and of course, as a flight attendant testified,
12 you know, the aircraft was in flight for approximately
13 about an hour. That flight was returned to Barranquilla.
14 Passenger Habib also testified that, you know, they were
15 actually expecting a hurricane in Miami, which further
16 goes towards, kind of, giving background, painting the
17 picture of how important the captain felt it was to
18 return the aircraft an hour -- approximately an hour away
19 back to Barranquilla.

20 For these two reasons, Your Honor, we believe that
21 it justifies moving up from the midpoint to the amount
22 \$10,500. The Aviation Safety Inspector also testified to
23 just the gross inconvenience of returning such a
24 returning flight.

25 JUDGE RAWALD: Okay. Anything else?

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1 MS. VILLIERS: Therefore, Your Honor, just to,
2 kind of, close, the civil penalty amount of \$10,500 as
3 proposed in the complaint represents a reasonable
4 sanction, we believe, for the underlying conduct that is
5 consistent with the administrator's sanction guidance.

6 JUDGE RAWALD: Mr. Nunez, do you have anything to
7 offer in closing? This is your chance to argue to me why
8 you think I should find in your favor?

9 (No response.)

10 You're muted.

11 MR. NUNEZ: Excuse me. Just allow me a second
12 to --

13 JUDGE RAWALD: Okay.

14 MR. NUNEZ: Your Honor, thank you for allowing me
15 the opportunity to present my case. As we reach the
16 conclusion of this trial or hearing, it is important to
17 remember what the case is really about. It's not about
18 an intoxicated or disruptive passenger. It's about a
19 situation that was mishandled. The abuse of authority
20 and the failure to treat me with basic human respect and
21 dignity, most importantly. This case isn't about money.
22 It's about principles and fairness, truth, and
23 accountability.

24 The evidence has shown that I suffer from kidney
25 stones and prostate issues, conditions that require

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1 frequent access to the lavatory on the day of the
2 flight. I requested access to the bathroom because I was
3 in significant discomfort. Instead of allowing me
4 access, the flight attendants used beverage carts to
5 block me from reaching the lavatory. This wasn't just a
6 misunderstanding. This was a deliberate action that
7 ignored my medical needs and escalated the situation
8 unnecessarily.

9 Despite the growing frustration due to my physical
10 pain, I did not use profane language and did not act
11 aggressively. Frustrated I was, but I communicated my
12 need to calmly use the bathroom, and yet I was treated
13 unfairly and dismissed. The claim that I was intoxicated
14 I know is not the key point. It's been thoroughly proven
15 by the evidence, and after landing, I voluntarily
16 requested a breathalyzer test to clear my name, and it
17 was administered by the Colombian National Police. Under
18 the investigations and supervision of Maj. Pineda, the
19 test results were negative, proving I was not
20 intoxicated. Maj. Pineda's testimony confirmed that I
21 remained calm and cooperative throughout the process, and
22 the video evidence of me peacefully departing further
23 proves that I was not disruptive. I did not use
24 profanity, and I was not aggressive. These claims were
25 exaggerated.

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1 The credibility of the witnesses, particularly
2 Habib, is questionable. Despite providing testimony,
3 Habib couldn't even recognize me, yet they are expected
4 to be reliable witnesses. How could someone who cannot
5 identify me be trusted to give an accurate account of the
6 events that transpired? Furthermore, it's clear that the
7 flight attendants knew exactly who I was, but they chose
8 to treat me differently. I was flying as a non-revenue
9 passenger, and I believe this played a significant role
10 in how I was dismissed and treated during the flight. My
11 request for a basic accommodation was discounted, and I
12 was subjected to an unnecessary escalation of events,
13 including a viral video that has led to ongoing public
14 harassment.

15 What we've seen in this case is a broader pattern
16 of flight attendants overstepping their authority, similar
17 to what we've seen in other incidents, such as those
18 involving Terrell Davis and the six black men on an
19 American Airlines flight. In my case, I believe flight
20 attendants exaggerated their investigation and inflated
21 the situation to a level 2 incident.

22 You've got to ask yourself, Your Honor, why would
23 I act like this, knowing how much I have to lose? Why
24 would I risk everything, knowing the consequences? I was
25 on the plane, just like everyone else, and I was

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1 inconvenienced as well. I had no reason to act
2 inappropriately, especially considering my extensive
3 flying history.

4 It's important to note that since the incident
5 I've flown for over two years, almost 50 times, for the same
6 motive. I have been a responsible traveler, following
7 all the protocols and conducting myself appropriately.
8 This case was an isolated incident that occurred because
9 of a series of misunderstandings and unnecessary
10 escalation by flight attendants.

11 Your Honor, another critical point is the fact
12 that Captain Jaffe, the person who made the decision to
13 return the plane, has since withdrawn from the case. If the
14 situation was as serious as the flight attendants have
15 claimed, why would Captain Jaffe remove himself from
16 these proceedings? His withdrawal raises serious doubts
17 about the validity of the decision to divert the flight,
18 further weakening the FAA's case.

19 Your Honor, this case isn't about financial
20 compensation, it's about standing up for the principles
21 of fairness and dignity and respect. What happened to me
22 was a violation of my rights, and I was subjected to
23 mistreatment by flight attendants who abused their
24 authority. This trial is about addressing the lack of
25 moral conscience and holding people accountable for their

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1 actions when they fail to treat others with empathy.

2 I fight this case not only for myself, but for my
3 son, too. I show him the importance of standing up for
4 what is right, even when facing false accusations. I do
5 this in the memory of my father, who worked for American
6 Airlines for over 33 years and taught me the values of
7 fairness and integrity. It is deeply painful to have
8 been treated this way by the airline that he dedicated
9 his life to.

10 In closing, Your Honor, the facts are clear. I
11 was not intoxicated. I did not use profanity. I was not
12 disruptive. I was a passenger in pain seeking medical
13 assistance, and instead of being treated with empathy, I
14 was dismissed, belittled, and subjected to public
15 humiliation. The breathalyzer test results, Maj. Pineda's
16 testimony, and the video of my peaceful deplaning supports
17 my innocence. Additionally, Habib's inability to recognize
18 me, the use of the cart to block the bathroom, and Captain
19 Jaffee's withdrawal all raise serious doubts about the
20 credibility of the accusations made against me.

21 This case was blown out of proportion, and it has
22 caused me unnecessary harm. Your Honor, I respectfully
23 ask that the charges against me be dismissed. This is
24 not about money. This is about standing up for
25 principles of fairness and respect.

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1 Thank you very much for your time, Your Honor.

2 JUDGE RAWALD: Thank you to both Parties for
3 participating in the virtual hearing. I will consider
4 the testimony provided as well as the documents submitted
5 in reaching my decision in this matter. So, you will
6 each receive a digital copy of the transcript once it is
7 completed, and you will also get a written decision from
8 me at the email address of the most recent certificate of
9 service. I will have that decision now in 30 days, so
10 look forward to hearing from me on November 7th, 2024.

11 With that being said, I appreciate everyone's
12 professionalism and your cooperation today.

13 MR. NUNEZ: Thank you, Your Honor.

14 JUDGE RAWALD: With that, the hearing is now
15 closed.

16 (Whereupon, at 2:43 p.m. the hearing was
17 adjourned.)

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1 CERTIFICATE OF REPORTER

2

3 I, Melissa Dunn, do hereby certify that the
4 foregoing proceedings were transcribed by me by voice
5 reporting; that I am neither counsel for, or related to,
6 nor employed by any of the parties to the action in which
7 these proceedings were reported; that I am not a relative
8 or employee of any attorney or counsel employed by the
9 parties hereto, nor financially or otherwise interested
10 in the outcome of the action.

11

12

13

14

A handwritten signature in cursive script that reads "Melissa Dunn".

15

MELISSA A. DUNN, CVR

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