**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF FLORIDA**

**Case No. 19-cv-23965-JEM**

**JOSÉ RAMÓN LÓPEZ REGUEIRO,**

**Plaintiff,**

**v.**

**AMERICAN AIRLINES, INC., *et al.*,**

**Defendants.**

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**JOINT STATUS REPORT**

In compliance with the Court's Administrative Order Closing Case for Statistical Purposes and Placing Matter in Civil Suspense File ("Order") [ECF No. 85], plaintiff José Ramón López Regueiro ("Plaintiff") and defendants American Airlines, Inc.("American") and LATAM Airlines Group, S.A. ("LATAM") (all together, the "Parties") jointly submit this status report and state as follows:

1. On April 6, 2020, the Court ordered the case administratively closed in light of "the inability to proceed with the orderly progress of the case due to the uncertainty regarding the duration of the restrictions and worldwide pandemic," and placed the matter in suspense. *Id.* The Court further required the parties to file a report by May 1, 2020, and every month thereafter regarding the status of the proceedings. *Id.*

2. The parties filed Joint Status Reports on May 1, 2020 [ECF No. 86], on June 1, 2020 [ECF No. 87], on July 1, 2020 [ECF No. 89], on July 31, 2020 [ECF No. 90], and on September 1, 2020 [ECF No. 91].

3. Plaintiff reiterates his position that the case should proceed against defendant American.[1] During the past several months, businesses have reopened and legal business and court activity are being efficiently conducted remotely with the use of video technology. Moreover, the impediments American repeated to this Court for several months to the performance of its basic litigation obligations **have ceased**. American flights are no longer grounded or even limited to protect passengers from the spread of Covid-19, as American alleged for the past few months. In fact, American resumed regular operations and is currently booking flights at their full capacity. American is fully capable to deal with the legal and administrative functions involved in responding to discovery, which is the only obligation in this case imposed on American at this time. There is no reason why American cannot litigate this case, especially where it is in substantial non-compliance with discovery served almost a year ago. American should not be allowed to further delay and evade production of discovery due for at least ten months, and which pre-dates the current crisis.

4. Defendants maintain their position that the case should remain administratively closed. LATAM remains in bankruptcy proceedings and the automatic stay applies to this case.[2] The impact of COVID-19 on the airline industry has been unprecedented as evidenced by the number of bankruptcies, restructuring and reorganizations including those of: Aeromexico, Avianca, Virgin, Atlantic, Virgin Australia, Flybe, Miami Air International, RavnAir, Trans States Airlines, Compass Airlines, Air Deccan, BRA, Air Mauritius, South African Airways, SunExpress

[1] Defendant LATAM Airlines Group S.A. filed a Chapter 11 bankruptcy proceeding on May 25, 2020, in the United States District Court for the Southern District of New York under Case No. 20-11254.

[2] Plaintiff has neither dropped LATAM as a party nor indicated that he intends to do so.

Deutschland and Level Europe.[3] Nothing Plaintiff states – including his wholly inaccurate statements on American's actions with respect to passenger safety – can rebut the severe impact of this pandemic on the airline industry and American's efforts and allocation of resources to address the health and economic consequences of the pandemic. Although it is true that American flights are resuming after the unprecedented grounding of over 55,000 flights, passenger traffic remains at roughly 30% of that seen a year ago, and the lull is expected to continue for some time.[4] As a consequence, American will begin today (October 1, 2020) furloughing approximately 19,000 workers due to the economic impact of the pandemic.[5] American will also eliminate service to 15 markets due to low demand commencing on October 7th.[6] Plaintiff's statement that American is booking flights at their full capacity is misleading because American is accommodating passenger

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[3] Laura Begley Bloom, *You Won't Believe How Many Airlines Haven't Survived Coronavirus. How Does It Affect You?*, Forbes, June 27, 2020, https://www.forbes.com/sites/laurabegleybloom/2020/06/27/airlines-coronavirus-travel-bankruptcy/#5bd9e0895f69 (last visited August 31, 2020); Michelle Toh and Natalie Gallon, *Aeromexico files for US bankruptcy, citing 'unprecedented' challenges*, CNN, July 1, 2020, https://www.cnn.com/2020/07/01/business/aeromexico-us-bankruptcy-intl-hnk/index.html (lasted visited July 30, 2020); Susan Haas, *Virgin Atlantic airline files for U.S. bankruptcy protection, tries to survive pandemic losses*, USA Today, August 4, 2020, https://www.usatoday.com/story/travel/news/2020/08/04/virgin-atlantic-airline-files-u-s-bankruptcy-protection/3296485001/ (last visited August 31, 2020).

[4] Mary Schlangenstein, *American Air Sees 19,000 Job Cuts Once U.S. Payroll Aid Ends*, Bloomberg, August 25, 2020, https://www.bloomberg.com/news/articles/2020-08-25/american-airlines-plans-19-000-job-cuts-if-federal-aid-lapses (last visited September 1, 2020).

[5] Kyle Arnold, *American Airlines says it will start furloughing 19,000 workers Thursday*, Dallas Morning News, September 30, 2020, https://www.dallasnews.com/business/airlines/2020/09/30/american-airlines-will-start-furloughing-for-19000-workers-thursday-after-deal-for-aid-falls-through/ (last visited October 1, 2020).

[6] *American Airlines Suspends Service to 15 Markets in October as CARES Act Service Commitment Expires*, August 20, 2020, https://s21.q4cdn.com/616071541/files/doc_news/American-Airlines-Suspends-Service-to-15-Markets-in-October-as-Cares-Act-Service-Commitment-Expires-OPS-DIS-08-2020.pdf (last visited August 31, 2020).

requests to change to less occupied flights specifically to avoid travel on full flights. Furthermore, American's flight schedule remains substantially reduced due to decreased passenger traffic and minimal long-haul capacity.[7]

5. Plaintiff attempts to detract from the severity of the ongoing pandemic by mischaracterizing American's compliance with discovery and American's efforts on passenger safety. In truth, American has timely responded, produced documents, and spent hours communicating to resolve objections to Plaintiff's multiple requests for production (*see* American's Opposition to Plaintiff's Motion to Compel [ECF No. 78]). This aside, with respect to passenger safety American is taking extensive affirmative measures to protect its passengers and crew by making sure it is adhering to applicable federal, state, and local health and safety laws and regulations. Further, American is taking responsible steps based on available medical and scientific evidence to protect passengers and crew, including working closely with epidemiologists and creating a Travel Health Advisory Panel, including Vanderbilt University Medical Center to advise on health and cleaning matters.[8] American's ongoing commitments to passenger safety include requiring passenger certification that they have not had COVID-19 symptoms 14 days pre-flight, stringent face covering requirements, rigorous cleaning procedures, and implementation of

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[7] Indeed, American's projection is that even by the summer of 2021 – over a year from now – long-haul international capacity will be down 25% versus 2019. *See American Airlines Resets International Network for Remainder of 2020 Through Summer 2021*, July 1, 2020, http://news.aa.com/news/news-details/2020/American-Airlines-Resets-International-Network-for-Remainder-of-2020-Through-Summer-2021-OPS-DIS-07/default.aspx (last visited August 31, 2020).

[8] *American Airlines Expands Its Clean Commitment by Adding Vanderbilt University Medical Center on New Travel Health Advisory Pane*, June 26, 2020, http://s21.q4cdn.com/616071541/files/doc_news/American-Airlines-Expands-Its-Clean-Commitment-by-Adding-Vanderbilt-University-Medical-Center-on-New-Travel-Health-Advisory-Panel-OPS-N31HO.pdf (last visited August 31, 2020).

a touchless check-in experience.[9] Thus, American is focused on navigating the pandemic's unprecedented challenges with scientific, medical, and legal resources channeled toward passenger safety and adherence to evolving federal, state, and local rules and regulations designed to minimize the spread of COVID-19. In light of the foregoing, it is Defendants' position that the prudent course is to continue the administrative closure of this case.

Dated: October 1, 2020.

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[9] *American Airlines Strengthens Its Commitment to Safety With Expanded Face Covering Requirements and Enforcement*, July 22, 2020, http://s21.q4cdn.com/616071541/files/doc_news/American-Airlines-Strengthens-Its-Commitment-to-Safety-With-Expanded-Face-Covering-Requirements-and-Enforcement-OPS-DIS-07-2020.pdf (last visited August 31, 2020). *See also American Airlines Boosts Its Clean Commitment With Sustained Virus-Killing Coating to Help Safeguard Customers From Coronavirus*, Newsroom American Airlines, August 24, 2020, https://news.aa.com/news/news-details/2020/American-Airlines-Boosts-Its-Clean-Commitment-With-Sustained-Virus-Killing-Coating-to-Help-Safeguard-Customers-From-Coronavirus-OPS-DIS-08/default.aspx (last visited August 31, 2020) (American has recently added the EPA-approved electrostatic spraying solution SurfaceWise®2 to its Clean Commitment strategy that provides lasting protection against the transmission of the coronavirus inside the aircraft.)

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**CERTIFICATE OF SERVICE**

I CERTIFY that on October 1, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of such electronic filing to all parties at the email addresses on the attached Service List.

*/s/ Andres Rivero*
Andres Rivero