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From the Chicago Business Journal:

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Lawsuit: American Airlines pilots complained about new uniforms before they were introduced

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Attorneys for the plaintiffs in the American Airlines uniform lawsuit filed in federal court in Chicago last fall have filed their response to a motion to dismiss the case that was made by attorneys for American Airlines and uniform supplier Twin Hill, which are named as defendants in the lawsuit.

The plaintiffs include several American Airlines (NASDAQ: AAL) flight attendants and one pilot, Joe Catan. Twin Hill is a unit of Men's Wearhouse, which is a division of Tailored Brands (NYSE: TLRD).

The lawsuit seeks, among other things, to compel American Airlines and Twin Hill to immediately recall tens of thousands of uniforms believed to be tied to symptomatic reactions experienced by American Airlines employees after the Twin Hill uniforms were rolled out in September of 2016.

One telling bit of detail included in the plaintiffs' latest filing tied to the motion to dismiss their lawsuit is the American Airlines pilots' testing of the Twin Hill uniforms before they were rolled out. The new filing from the plaintiffs states that "the pilots experienced adverse reactions; and the Allied Pilots Association (the AA pilots union) specifically requested that American not introduce those uniforms into the workplace."

The plaintiffs' filings, submitted late last month, suggests just how complicated the issues are related to this lawsuit and reveal some of the arguments AA's and Twin Hill's legal teams are using to try and get the lawsuit thrown out.

Not surprisingly, one of the defendants' principal arguments referenced in the plaintiffs new filings is that it is mere speculation for the plaintiffs to allege the uniforms in question are causing symptomatic reactions ranging from rashes to hives to swollen faces and respiratory issues.

In plaintiffs' latest filing, they argue that the issue of whether the lawsuit is based on speculation or not should not be used by the judge as grounds to dismiss the lawsuit. Rather the matter of what is speculation or what isn't should be left for the discovery phase of the lawsuit and the possible trial that could follow.

In the new filing, attorneys for the plaintiffs wrote: "American's response is that plaintiffs' allegations that the Twin Hill uniforms are causing thousands of employees to experience adverse reactions is 'speculation', that plaintiffs are wrong, and that the uniforms are safe. But these are evidentiary issues, not pleading issues. Plaintiffs are not required to prove their case in the pleadings. Rather, plaintiffs need only allege facts that give rise to a plausible inference that the Twin Hill uniforms are harmful as well as that American has committed intentionally harmful conduct. Plaintiffs do."

Stewart Weltman with the Chicago law firm Siprut, who is lead attorney for the plaintiffs, today declined to speculate about when the judge might formally render a decision on the motion to dismiss the case that Weltman filed on behalf of the plaintiffs.

The next hearing on the case, Weltman said, is in early March. "One thing you learn is that in the court the judge is the boss," said Weltman.



A class action lawsuit filed last September seeks to compel American Airlines and uniform supplier Twin Hill to immediately recall new uniforms seen here that are believed to be tied to symptomatic reactions experienced by thousands of AA employees.

Lewis Lazare
Reporter
Chicago Business Journal

