

# **EXHIBIT A**



**BECK, CHAET,  
BAMBERGER & POLSKY, S.C.**

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July 20, 2023

**VIA OVERNIGHT MAIL**

Scott Kirby, CEO  
Robert S. Rivkin, SVP and Chief Legal Officer  
United Airlines  
233 South Wacker Drive  
Chicago, IL 60606

Re: *My Client: Yubo Miao*  
*Flight 2683, 6/1/23 Incidents*

Dear Mr. Kirby and Mr. Rivkin:

The undersigned has now been retained to represent the interests of Yubo Miao, a United States citizen of Chinese descent, who was to be a passenger onboard United Flight 2683 from Chicago, IL to San Diego, CA on June 1, 2023, until he involuntarily became the subject of an incident of abject racial, ethnic and gender abuse by a Caucasian female flight attendant prior to the flight's departure.

Before getting into the specifics of the incident, there are a number of additional details about Mr. Miao that bear highlighting, some of which have been shared with United by Mr. Miao as he pursued his own grievance over this incident, but others to which you may not as yet have been privy. Mr. Miao has been a contact consultant for the United States Government for years working on highly sensitive matters of national security. In his employment capacity, he is a frequent traveler to work destinations, from his home-base of San Diego, albeit less frequently since the advent of Covid-19 and the general trend since then to avoid travel when telecommunications could suffice. However, when he does travel by air, his carrier of choice is always United Airlines and he is a member of United's Mileage Plus Program with premier access status. Further, Mr. Miao is a 64 year old married man with a completely unblemished record both professionally and personally.

United is well aware of the chronology of the events that occurred aboard Flight 2683 on June 1, 2023 as a result of the detailed recitation by Mr. Miao of the actions that did and did not occur between Mr. Miao and the identified, but unnamed flight attendant that day. However, when confronted with Mr. Miao's detailed Complaint, United management pawned this incident

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off to its euphemistically entitled “Passenger Incident Review Committee (“PIRC”).” The PIRC then attempted to whitewash the gravity of the incident, the false and reckless accusations of its flight attendant against Mr. Miao and the effects that these actions have had on his health and well-being by “welcoming [him] to travel on United Airlines” again after July 7, 2023. Yet, in so doing, United’s PIRC issued the following unsubstantiated statement in its decision: “Our review of the reported incident revealed that you made unwanted physical contact with one of our crew members.” That false and defamatory statement, coupled with the “reminder” warning that any future engagement of “this type of conduct will result in serious consequences,” was the final straw for Mr. Miao.

As I stated previously, this decision by the PIRC that permitted Mr. Miao to resume flying United Airlines passenger routes demonstrates a willful design to bury the true facts of what happened that day on Flight 2683 in some form of undocumented “internal review” that the PIRC claimed to have used in a manner to vitiate the rights of Mr. Miao to have a full and fair investigation of the facts. Such an investigation would have included a presentation of independent witness testimony that could and would corroborate Mr. Miao’s denial of any physical contact between himself and the accusatory flight attendant. United Airlines choose to act as a self-aggrandizing employer protecting one of its employees from a *bona fide* allegation of racism, discrimination, harassment and abuse of an innocent passenger at the hands of its own employees who violated not only proper United policies of confrontational disengagement, but also the rules and regulations of the Department of Transportation as well as other federal and state anti-discrimination laws. In the end, United has chosen a “remedial” path that does absolutely nothing to rectify the serious and egregious conduct of its flight attendant who targeted and profiled Mr. Miao for abusive, harassing, threatening, coercive and discriminatory treatment, thereby provoking further humiliating and forceful mistreatment of Mr. Miao in violation of his federally protected passenger rights. These actions caused measurable and demonstrative damages to his person and reputation. Instead, United Airlines deigns to permit Mr. Miao to continue to fly on its airline, thereby restoring him as a revenue producer for United while doing absolutely nothing to redress damages done to him by the misconduct and misdeeds of United, its employees and its PIRC. Does United really believe that this constitutes a *bona fide* conclusion to this matter?

So as to be patently clear, by taking this pretentious approach in claiming to have “resolved” this matter while leaving intact the false and defamatory accusation of inappropriate or unwelcomed physical contact between Mr. Miao and the flight attendant; and by further codifying in the PIRC decision that any new accusation of this kind, in United’s operations in future, would be considered to be “substantiated facts” in any future remedial action against Mr. Miao; United directly challenges Mr. Miao to seek justice for himself outside of United’s policies and

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procedures. After months of waiting and suffering the humiliation and degradation that this false accusation has cost him, Mr. Miao will readily accept that challenge. Whether by either or both administrative complaint with the Department of Transportation/FAA or by filing suit in federal court, Mr. Miao is committed to vindicate his name and reputation.

This letter then serves only three purposes. The first is to put United on notice that Mr. Miao categorically and unqualifiedly rejects United's PIRC decision of July 7, 2023. The second is to put United on notice that Mr. Miao will pursue any and all legal avenues at his disposal with my assistance to reverse the findings of the PIRC and establish a record of what truly happened to him that day by a racist employee of United Airlines who United has chosen to protect over the welfare of one of its passengers. Finally, third, Mr. Miao will permit United one last chance to:

1. Overturn and withdraw the PIRC decision issued in this matter;
2. Destroy any and all documentation in its possession that bears any semblance of suggesting that Yubo Miao engaged in any inappropriate conduct on June 1, 2023;
3. Issue an apology, in writing, to Mr. Miao for what happened to him in connection with his flight history on June 1, 2023 including the misconduct of its employees towards him;
4. Secure both a written apology from the flight attendant and the plane's captain for their parts in the mistreatment Mr. Miao was forced to endure on June 1, 2023, together with a commitment that both of these individuals will be required to undergo sensitivity and discrimination/harassment retraining;
5. Provide an economic settlement of \$100,000 payable to Yubo Miao for the humiliation, embarrassment and mental and physical anguish and suffering he has undergone as a direct result of this incident (to be supplemented by documentation of the same from his treating physician(s)); and
6. Reimburse Mr. Miao's legal fees in reaching this final resolution of this matter.

Should United choose not to avail itself of this option, then it can count upon the litigation to be invoked. Further, should United take any measures as a result of this letter to withdraw its consent to allow Mr. Miao to travel on United moving forward as promised in the PIRC decision, Mr. Miao will pursue retaliation claims against United as well.

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Further, nothing herein should be interpreted by United as a promise by Mr. Miao not to avail himself of his right to air his outrage over United's treatment of him to either public interest groups or the press who would, as other airlines have recently learned, be delighted to add United's name to the list of corporations who permit their flight attendants and employees to abuse their customers for reasons that seem totally inexplicable to the public at large. Or, more to the part, perhaps the lessons of the "*Obioma*" case need to be refreshed for United management.

In any event, Mr. Miao has consented to refrain from taking any further direct action on his own behalf until August 1, 2023 to permit United Airlines the opportunity to avail itself of the settlement option outlined above. If the undersigned is not contacted by then, in good faith, to redress the harm to Mr. Miao pursuant to the terms for resolution outlined herein, the litigation choices will be invoked by him. We look forward to your response.

Sincerely,

BECK, CHAET, BAMBERGER & POLSKY, S.C.

*Electronically signed by Atty. Arthur E. Beck*

Arthur E. Beck

AEB:sle

cc: Mr. Yubo Miao (via email)