

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

ISRAEL ALVARADO, et al.,

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Plaintiffs,

v.

Case No.: 1:22-cv-00876-AJT-JFA

LLOYD AUSTIN, III, et al.,

Defendants.

[Proposed] ORDER ON MOTION FOR CLASS CERTIFICATION

This matter having come before the court on the motion of Plaintiffs, Military Chaplains, to certify this action as a class action under Rule 23 of the Federal Rules of Civil Procedure (DN __), Defendants having responded (DN __), and Plaintiffs having replied (DN __), and the Court having been otherwise sufficiently advised, it is **HEREBY ORDERED AND ADJUDGED** that:

1. Plaintiffs’ motion is **GRANTED**,
2. Plaintiffs have satisfied the requirements of Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure. Accordingly, the Court certifies the following class and sub-classes:
 - A) a class of all military chaplains who are subject to the Department of Defense’s (“DOD”) COVID-19 vaccine mandate (“DOD Mandate”) and who have submitted a Religious Accommodation Request (“RAR”) (“Military Chaplain Class”);
 - B) a subclass of the Military Chaplain Class who have sufficient time in service to retire and who do not wish to retire, but are faced with the draconian threat either to retire or face disciplinary actions and forfeit everything they have worked for their entire careers (“Constructively Discharged Subclass”);
 - C) a subclass of the Military Chaplain Class who have reached or almost reached 18 years of service, entitling them to “sanctuary” status until they reach 20 years of service and are eligible for retirement (“Sanctuary Subclass”); and
 - D) a subclass of the Military Chaplain Class who have natural immunity from a previous

documented COVID-19 infection and should be eligible either for religious accommodation or a medical exemption (“Natural Immunity Subclass”).

3. Plaintiffs’ counsel Arthur A. Schulez, Brandon Johnson, and J. Andrew Meyer are appointed class counsel pursuant to Federal Rule of Civil Procedure Rule 23(g), and,

4. The Court appoints the following Plaintiffs as class representatives of the above-defined classes and subclasses:

- Arizona Army National Guard Captain Jeremy Botello (Natural Immunity Subclass)
- U.S. Navy Lieutenant Justin Brown (Assigned to U.S. Coast Guard) (Natural Immunity Subclass)
- U.S. Navy Reserves Commander Mark Cox (Sanctuary and Natural Immunity Subclasses)
- U.S. Navy Commander John Eastman (Sanctuary and Natural Immunity Subclasses)
- U.S. Navy Lieutenant Nathanael Gentilhomme (Natural Immunity Subclass)
- U.S. Army Captain Doyle Harris (Natural Immunity Subclass)
- U.S. Army Colonel Brad Lewis (Constructively Discharged and Natural Immunity Subclasses)
- U.S Air Force Captain Robert Nelson
- U.S. Army Captain Parker Schnetz
- U.S. Air Force Major Lance Schrader (Natural Immunity Subclass)
- U.S. Navy Lieutenant Jonathan Shour (Assigned to U.S. Marine Corps) (Natural Immunity Subclass)
- U.S. Army Major Jerry Young (Natural Immunity Subclass).

IT IS SO ORDERED this _____ day of _____, 2022.

ENTERED BY ORDER OF COURT:

By: _____
ANTHONY J. TRENGA, JUDGE
UNITED STATES DISTRICT COURT

Copies to Counsel