

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NICKIE DENNARD, SHARI LEWAN,)
JESSICA VANDENBOSCH, STEPHEN)
SLEEM, DEREK JOHNSON, LINDA)
DAVAULT, DR. TERRELL REHMUS)
JACQUELINE CLEGG, REGINA)
LANGLEY, GERALD KREUTZER, and)
MICHAEL GIACCHINO)

Plaintiffs,)

v.)

ASTELLAS PHARMA INC.,)

Defendant.)

Case No. _____

VERIFIED COMPLAINT

For their VERIFIED COMPLAINT against Defendant, ASTELLAS PHARMA INC. (“Astellas” or “Defendant”), Plaintiffs, NICKIE DENNARD, SHARI LEWAN, JESSICA VANDENBOSCH, STEPHEN SLEEM, DEREK JOHNSON, LINDA DAVAUULT, DR. TERRELL REHMUS, JACQUELINE CLEGG, REGINA LANGLEY, GERALD KREUTZER, and MICHAEL GIACCHINO (“Plaintiffs”), allege and aver as follows:

INTRODUCTION

1. This is an action brought to remedy Astellas’ discrimination against employees who requested religious exemptions and accommodations from Astellas’ COVID-19 vaccine mandate.

2. Plaintiffs are pharmaceutical professionals, all of whom have sincerely held religious beliefs against the COVID-19 vaccines because they were either developed from, or tested upon, aborted fetal cells lines, or for other religious reasons that were explained to Astellas. Because of Astellas’ unlawful actions in denying Plaintiffs’ meritorious exemption requests,

Plaintiffs faced an immediate “choice” to either (a) receive a COVID-19 vaccination in direct violation of their conscience and sincerely held religious beliefs, or (b) be terminated from their employment with Astellas as a consequence of exercising their fundamental and statutory rights to refuse administration of the COVID-19 vaccines.¹

3. Plaintiffs have earnestly, honestly, and in good faith sought religious exemptions and reasonable accommodations from Astellas’ Mandatory COVID-19 Vaccination Policy, but have been rejected at every turn.

4. Plaintiffs have complied with all requirements for seeking an accommodation and exemption based upon their sincerely held religious beliefs, and otherwise complied with all of the requirements Astellas established for seeking a religious exemption from the Mandatory COVID-19 Vaccination Policy.

5. While Astellas claims it would have been an “undue hardship” to allow Plaintiffs to keep their positions, Astellas has granted numerous other exemptions from the Mandatory COVID-19 Vaccination Policy with accommodations. The exemptions which Astellas granted were based on identical or substantially similar religious beliefs as those espoused by Plaintiffs, and was given to persons who were in the same type of positions as Plaintiffs.

6. The Illinois Health Care Right of Conscience Act and Title VII of the Civil Rights Act of 1964 (“Title VII”), protect the right of individuals to refuse administration of an unwanted medical product when acceptance of such product would violate their sincerely held religious beliefs and the exercise of the same. Astellas’ Mandatory COVID-19 Vaccination Policy,

¹ “Such a Hobson’s choice is actually no choice at all.” *Smith v. Grams*, 565 F.3d 1037, 1046 (7th Cir. 2009) (emphasis added).

including its refusal to grant meritorious religious exemption requests, ignores these fundamental protections for Plaintiffs' sincerely held religious beliefs.

PARTIES

7. Plaintiff Nickie Dennard is an Executive Medical Specialties Representative at Astellas residing in Georgia. Dennard has worked at Astellas for 11 years, winning numerous awards including 2 Summit Clubs and ranking first on her team for sales in 2021. Dennard was denied a religious exemption and accommodation even before actually requesting the exemption and accommodation. Dennard also applied for a medical exemption to which Astellas never responded. Dennard has already contracted COVID-19 and fully recovered. Dennard is the sole caretaker for her child as well as caring for her elderly parents.

8. Plaintiff Shari Lewan is a former Executive Representative-II Prostate at Astellas residing in Ohio. Lewan had worked at Astellas for 7 years. Lewan submitted a signed, written request for an exemption and accommodation from Astellas' Mandatory COVID-19 Vaccination Policy, which Astellas denied. Lewan resigned from Astellas in February 2022 and accepted a similar position with another pharmaceutical company. Lewan had been recently promoted in December 2021, had 3 national sales awards, and served on her team's Culture Club.

9. Plaintiff Jessica Vandebosch is a former Senior Executive Oncology Representative at Astellas residing in Indiana. Vandebosch had worked at Astellas for 7 years. Vandebosch submitted a signed, written request for an exemption and accommodation from Astellas' Mandatory COVID-19 Vaccination Policy, which Astellas denied. Vandebosch had already contracted COVID-19 and fully recovered. Vandebosch was terminated by Astellas on March 31, 2022. Prior to her termination, Vandebosch ranked first in sales on her team, second in the nation, and qualified for the Sales Excellence Summit. Vandebosch has won multiple sales

awards and competitions at Astellas and was on multiple leadership task force groups because of her leadership qualities. In December 2021, Vandenbosch was promoted to the highest-level sales representative position (Level 7).

10. Plaintiff Stephen Sleem is a former Senior Executive Oncology Representative at Astellas residing in Michigan. Sleem had worked at Astellas for over 5 years. Sleem submitted a signed, written request for an exemption and accommodation from Astellas' Mandatory COVID-19 Vaccination Policy, which Astellas denied. Sleem had already contracted COVID-19 and fully recovered. Sleem was terminated by Astellas on March 31, 2022. Prior to his termination, Sleem ranked second in sales on his team. Since his termination, Sleem has gone on unemployment and at 63 years of age, has found it difficult to obtain new employment.

11. Plaintiff Derek Johnson is a former Regional Sales Manager at Astellas residing in Virginia. Johnson had worked at Astellas for 8 years. Johnson submitted a signed, written request for an exemption and accommodation from Astellas' Mandatory COVID-19 Vaccination Policy, which Astellas denied. Johnson had already contracted COVID-19 and fully recovered. Johnson was terminated by Astellas on January 21, 2022.

12. Plaintiff Linda Davault is a former Senior Executive Sales Representative II at Astellas residing in Georgia. Davault had worked at Astellas for almost 16 years. Davault submitted a signed, written request for an exemption and accommodation from Astellas' Mandatory COVID-19 Vaccination Policy, which Astellas denied. Davault had already contracted COVID-19 and fully recovered. Davault was terminated by Astellas on March 31, 2022. Davault, who is 54 years of age, has found it difficult to obtain alternate employment, has been forced to sell her home, and is moving to a different state. Davault had previously won numerous sales awards with Astellas and was highly ranked on her team before being terminated.

13. Plaintiff Dr. Terrell Rehmus is a former Associate Director Medical Values and Access at Astellas residing in Missouri. Rehmus had worked at Astellas for almost 4 years. Rehmus submitted a signed, written request for an exemption and accommodation from Astellas' Mandatory COVID-19 Vaccination Policy, which Astellas denied. Rehmus had already contracted COVID-19 and fully recovered. Rehmus was terminated by Astellas on March 31, 2022.

14. Plaintiff Jacqueline Clegg is a former Senior Executive Representative at Astellas residing in North Carolina. Clegg had worked at Astellas for almost 2 years. Clegg submitted a signed, written request for an exemption and accommodation from Astellas' Mandatory COVID-19 Vaccination Policy, which Astellas denied. Clegg had already contracted COVID-19 and fully recovered. Clegg was terminated by Astellas on March 31, 2022. Prior to her termination, Clegg ranked third in the nation for sales of a leukemia drug.

15. Plaintiff Regina Langley is a former Senior Hospital Representative at Astellas residing in Pennsylvania. Langley had worked at Astellas for 10 years. Langley submitted a signed, written request for an exemption and accommodation from Astellas' Mandatory COVID-19 Vaccination Policy, which Astellas denied. Langley was terminated on March 31, 2022. Langley had previously received multiple awards for exceeding sales goals and was awarded the top sales award in her division twice.

16. Plaintiff Gerald Kreutzer is a former Senior Hospital Representative at Astellas residing in Kansas. Kreutzer had worked at Astellas for 14 years. Like Plaintiff Dennard, Kreutzer was denied a religious exemption before he even applied for one. Astellas refused to allow Kreutzer to apply for a religious exemption, informing him that Astellas had already decided any exemption and accommodation would cause an undue hardship. Kreutzer resigned from Astellas on February 16, 2022.

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