

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

PAULA CALTRIDER,

Plaintiff,

v.

Case No.

Hon.

TEVA PHARMACEUTICAL  
INDUSTRIES LTD.,

Defendant.

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There is no other pending or resolved civil action arising out  
of this transaction or occurrence alleged in the Complaint.

**COMPLAINT AND JURY DEMAND**

Plaintiff Paula Caltrider (“Plaintiff”), by and through her attorneys, HURWITZ LAW PLLC, states the following for her Complaint against Defendant Teva Pharmaceutical Industries Ltd. (“Defendant”):

**INTRODUCTION**

1. There is no pandemic exception to the protections afforded by the Americans with Disabilities Act (the “ADA”), Title VII of the Civil Rights Act of 1964 (“Title VII”), or The Michigan Elliott-Larsen Civil Rights Act of 1976 (the “ELCRA”), MCL 37.2101, *et seq.* Defendant clearly did not understand this when it denied Ms. Caltrider religious and medical exemptions to Respondent’s COVID-19 vaccine requirement. Instead of engaging with Ms.

Caltrider in the spirit of “bilateral cooperation,” Defendant violated the ADA, Title VII, and the ELCRA by terminating Ms. Caltrider based on a purported “undue hardship” even though Ms. Caltrider posed no health threat to her coworkers that could not be mitigated by all safety measures that were put in place during the worst times of the pandemic.

### **PARTIES AND JURISDICTION**

2. Plaintiff is an individual residing in Haslett, Michigan.
3. Defendant is an international organization with a principal place of business in the United States located at Parsippany-Troy Hills, New Jersey.
4. Plaintiff’s claims arise out of Defendant’s violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e and the Americans with Disabilities Act of 1991 42 U.S.C. § 12102(1).
5. This Court has general federal question jurisdiction pursuant to 28 U.S.C. § 1331.
6. This matter is not subject to arbitration.
7. Venue is proper under 28 U.S.C. § 1391 because this is the judicial district where a substantial part of the events giving rise to the claims occurred.
8. Plaintiff filed an Equal Employment Opportunity Commission (“EEOC”) Charge of Discrimination alleging religious discrimination and retaliation on April 15, 2022.
9. Plaintiff received her Right to Sue letter from the EEOC in the past 90 days.

### **FACTUAL ALLEGATIONS**

10. Plaintiff was employed by Defendant as a Professional Sales Specialist for until her termination effective February 7, 2022.

#### **Defendant’s Mandatory Vaccine Policy**

11. Defendant announced a mandatory COVID-19 vaccine policy for its employees.

12. Defendant failed to mention in its multiple memorandums regarding the mandate that requesting religious or medical accommodations is a protected legal right for employees.

13. Defendant required that all employees be fully vaccinated against COVID-19 by November 8, 2021.

### **Plaintiff's Religious and Medical Accommodation Request**

14. Plaintiff seeks to make all decisions, especially those regarding vaccination and other medical decisions, through prayer.

15. After Plaintiff was hired and credentialed, her physician submitted a letter on her behalf stating that she was unable to get the flu shot.

16. The credentialing department accepted it into the system and Plaintiff was accommodated immediately without Defendant or a third party contacting her physician.

17. After the COVID-19 mandate was announced, on November 16, 2021, Plaintiff submitted a religious exemption request for the COVID-19 vaccine, as she believes that her sincerely held religious beliefs would be violated if she received the vaccine.

18. Plaintiff also submitted a medical accommodation request as her disability constrains her from receiving the COVID-19 vaccine.

19. Plaintiff submitted a letter from her physician to inform Defendant that she was medically advised not to receive the vaccine.

20. Rather than taking the word of Plaintiff's doctor, Defendant had an individual call Plaintiff to evaluate her medical accommodation request.

21. This individual represented a third party, WorkForce, on Defendant's behalf.

22. This individual failed to listen to Plaintiff about her disability and need for an accommodation. Instead, she told Plaintiff that everyone should receive a vaccination and that

people die without it.

23. Plaintiff promptly sent an email to her human resources representative, Bill Corbett, and filed an incident report to the hotline.

24. Mr. Corbett forwarded the email Plaintiff wrote in confidence to the individuals who comprised the panel that made accommodation decisions.

25. On or about November 19, 2021, Defendant's director of North America human resources, Linda Misialek, called Plaintiff and instructed her not to respond to or sign the HIPPA consent form that was provided to her, and that she was looking for a solution for Plaintiff when she returned to work.

26. Plaintiff requested that Defendant name the physician that she spoke to so she could report the physician to the state's medical board for harassment. This request was ignored.

27. Additionally, Ms. Misialek informed Plaintiff that Defendant was not going to accept any religious exemptions that were submitted.

28. On December 1, 2021, Plaintiff returned to work from medical leave.

29. Ms. Misialek never followed up with Plaintiff.

30. Plaintiff then reported this interaction to Defendant's hotline. She did not receive a substantive response.

31. On January 31, 2022, Plaintiff received a letter from Mr. Corbett, stating "Based on the fact you did not sign and return your HIPPA form as requested on would not be affected, [she] would be open to take the vaccine."

32. Plaintiff's doctor would not sign the HIPPA as she believed her letter was sufficient.

33. Mr. Corbett sent Plaintiff an email on February 1, 2022 to inform Plaintiff that if

she did not receive the vaccine, her last day of employment would be February 4, 2022.

34. Defendant failed to continuously engage in the interactive process with Plaintiff regarding her medical accommodation request.

35. Plaintiff, maintaining both her sincerely held religious beliefs and following her physician's medical advice, did not receive the vaccine, and was subsequently terminated on February 7, 2022.

36. Defendant refused to provide Plaintiff's any specific reason for its denial of her religious and medical accommodation requests and failed to answer any of her questions regarding their determination. Defendant simply stated the sincerely held religious beliefs were accepted, but it would not accommodate Plaintiff.

37. The religious accommodation process mandates "bilateral cooperation" between employer and employee. *Ansonia Bd. of Educ. v. Philabrook*, 479 U.S. 60, 69 (1986).

38. No such "bilateral cooperation" occurred during Defendant's interrogation of its employees or otherwise during the process.

39. The United States Equal Employment Opportunity Commission tells employers that a prototypical example of reasonable accommodation to the vaccine is being "given the opportunity to telework." U.S. EQUAL EMPL. OPPORTUNITY COMM'N, *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws* (May 28, 2021). "If the employer denies the employee's proposed accommodation, the employer should explain to the employee why the preferred accommodation is not being granted." *Id.* (Mar. 1, 2022).

40. Plaintiff was an excellent performer of her job duties.

41. Title VII's statutory definition of "religion" includes "all aspects of religious observance and practice, as well as belief." 42 U.S.C. § 2000e(j).

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