

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Sherry Ihde;

Plaintiff,

vs

The Mayo Clinic; a Minnesota non-profit
corporation

Defendant.

Court File No. 22-CV-1327

**COMPLAINT
JURY TRIAL DEMANDED**

Plaintiff Sherry Ihde makes the following allegations for her complaint against the Defendant the Mayo Clinic.

INTRODUCTION

1. Plaintiff Sherry Ihde (“Plaintiff Ihde”) is 47 years old and worked as the supervisor of Defendant the Mayo Clinic’s (“Defendant Mayo”) Bacteriology Lab through February 21, 2022. Plaintiff Ihde had been employed with Defendant Mayo continuously since December 21, 1998.

2. In October, 2021, Defendant Mayo mandated that all its employees receive the Covid-19 vaccination as a condition of continuing their employment (“Vaccine Mandate”). Many of Defendant Mayo’s employees, including Plaintiff Ihde, objected to receiving these vaccinations because of her sincerely-held religious beliefs. Plaintiff Ihde requested a religious accommodation from Defendant Mayo to exempt her from taking the Covid-19 vaccine in order that she could continue her employment. Defendant Mayo

granted Plaintiff Ihde her request for a religious exemption from taking the Covid-19 vaccine on November 24, 2021.

3. However, in December 2021, Defendant Mayo, as part of its Vaccine Mandate policy, stated that those employees who received a religious or medical exemption would have to submit to weekly Covid-19 testing after receiving a religious or medical exemption. Rather than undertake an individual interactive process as required for evaluating an accommodation of religious objection to taking the Covid-19 vaccine, Defendant Mayo required Plaintiff Ihde to undergo weekly Covid-19 testing.

4. Plaintiff Ihde then filed a further request for a religious accommodation to exempt her from undergoing weekly Covid-19 testing. Once again, Defendant Mayo failed to undertake an individual interactive process as required for evaluating an accommodation of a religious objection to undergoing weekly Covid-19 testing. As a result of Defendant Mayo's human resources department's failure to undertake an individual interactive process to accommodate Plaintiff Ihde's religious objection to undergoing weekly Covid-19 testing, Plaintiff Ihde on her own contacted her supervisor to seek an accommodation from weekly testing. On January 12, 2022, in an email sent at 8:55 a.m., Plaintiff Ihde's supervisor, Nicole Kang, approved Plaintiff Ihde's request for an accommodation to work remotely during the time period Defendant Mayo would require Plaintiff Ihde to undergo weekly testing for Covid-19. However, later that same day, at 5:10 p.m., Defendant Mayo's human resources department sent Plaintiff Ihde an email stating that her request for a religious accommodation to undergo weekly testing for Covid-19 was denied. Despite working for Defendant Mayo for 23 years, Defendant

Mayo terminated Plaintiff Ihde on February 21, 2022 because of Plaintiff Ihde's refusal to undergo weekly testing. Finally, 15 days after Plaintiff Ihde's termination, Defendant Mayo suspended its requirement that those who received a religious or medical exemption submit to weekly testing demonstrating that the terminations were unnecessary or a pretext.

5. Based on Defendant Mayo's actions, Plaintiff brings claims under Title VII for religious discrimination, the Americans with Disabilities Act based on Defendant Mayo mandating a vaccine and testing, related state claims under the Minnesota Human Rights Act for religious discrimination and disability discrimination and breach of contract.

JURISDICTION AND VENUE

6. Plaintiff has fulfilled the jurisdictional requirements of Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act ("ADA"), including the filing of a Charge with the EEOC, and the receipt of a right-to-sue letter from Equal Employment Opportunity Commission ("EEOC") following closure of the EEOC file, all in compliance with 42 U.S.C. §2000e-5(f)(1).

7. This Court has original subject matter jurisdiction over this case, as it raises claims pursuant to federal statute, under 28 U.S.C. §1331. This Court further has supplemental jurisdiction over the Plaintiffs' state law claims pursuant to 28 U.S.C. §1367.

8. This Court has personal jurisdiction over Defendant the Mayo Clinic as an entity as it is a non-profit corporation operating in and located in the State of Minnesota.

9. Defendant Mayo Clinic is subject to the provisions of Title VII and the ADA because Defendant Mayo Clinic employs more than fifteen employees in each of twenty or more calendar weeks in the current or preceding calendar year under 42 U.S.C. §2000e (b) and 42 U.S.C. §12111 (5)(A).

10. Venue is proper in the District of Minnesota under 28 U.S.C. § 1391(e)(1) because the actions giving rise to this cause of action occurred in Minnesota, and Defendant Mayo Clinic conducts business in the State of Minnesota.

PARTIES

11. Plaintiff Sherry Ihde is a former employee of Defendant Mayo. Plaintiff Ihde resides in Zumbro Falls, Minnesota.

12. Defendant Mayo is a Minnesota non-profit corporation headquartered in Minnesota which operates medical facilities in Minnesota.

FACTS

13. Plaintiff Sherry Ihde is a Minnesota resident who worked for Defendant Mayo for 23 years. In 2021, Defendant Mayo employed Plaintiff Ihde as the supervisor in its Bacteriology Lab in Rochester, Minnesota. Plaintiff Ihde's job duties required her to supervise the Bacteriology Lab. Two assistant supervisors reported to Plaintiff Ihde. Plaintiff Ihde's work primarily required her to work at her computer and have meetings with individuals which meetings could be held remotely via Zoom (or other computer meeting application) or by phone. Plaintiff Ihde did not have contact with patients.

14. Plaintiff Ihde is a Christian who believes, based on her interpretation of Scripture, that her body is a Temple to the Holy Spirit and it violates her conscience to take the vaccine. Plaintiff Ihde believes frequent medical testing for Covid-19 also violates her religious beliefs.

15. Defendant Mayo recognized the important work that all of its employees were doing—the unvaccinated and the vaccinated—during the Covid-19 pandemic. On September 28, 2021, the President and CEO of Defendant Mayo, Gianrico Farrugia, M.D., along with the Chief Administrative Officer, Jeff Bolton, wrote to Defendant Mayo’s employees:

“On behalf of the leaders of Mayo Clinic’s sites and shields, thank you for the compassionate care you provide to our patients, your excellent service to Mayo Clinic, and the supportive and collaborative environment you create for all of our colleagues. We truly appreciate you and your efforts to live our values every day.”

16. However, just two weeks later, Defendant Mayo implemented its Vaccine Mandate which provided that “all Mayo Clinic staff members” must get vaccinated or they would be considered “noncompliant,” later “placed on unpaid leave,” and eventually “terminated.” The Vaccine Mandate applied to “all staff, including **remote** workers.” Thus, appreciation of the important work performed by unvaccinated employees disappeared only two weeks after being celebrated.

17. Defendant Mayo announced the Vaccine Mandate on October 13, 2021. Defendant Mayo’s Vaccine Mandate required all staff to become vaccinated against Covid-19, and that if they were not already vaccinated or only partially vaccinated, they

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