

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anita Miller,

Plaintiff,

vs

The Mayo Clinic; a Minnesota non-profit
corporation,

Defendant.

Court File No. 22-cv-1405

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Anita Miller (“Plaintiff Miller”) makes the following allegations for her complaint against the Defendant Mayo (“Defendant Mayo”).

INTRODUCTION

1. In October, 2021, Defendant Mayo mandated that all employees receive the Covid-19 vaccination as a condition of continuing their employment (“Vaccine Mandate”). Many of Defendant Mayo’s employees, including Plaintiff Miller, objected to receiving these vaccinations because of their sincerely-held religious beliefs. Plaintiff Miller filed a request for a religious exemption with Defendant Mayo to be exempt from taking the Covid-19 vaccination. Defendant Mayo denied the requested religious exemption. In addition, Defendant Mayo failed to undertake an individual interactive process as required for evaluating religious exemption requests. Finally, only a couple of months after terminating Plaintiff Miller, Defendant Mayo reversed part of its vaccine mandate, demonstrating that the terminations were unnecessary or a pretext.

2. Based on Defendant Mayo's implementation of the Vaccine Mandate and its refusal to grant Plaintiff Miller her request for a religious exemption, Plaintiff Miller brings claims under Title VII for religious discrimination, the Americans with Disabilities Act ("ADA") based on Defendant Mayo mandating a vaccine, related state claims under the Minnesota Human Rights Act for religious discrimination and disability discrimination and breach of contract.

JURISDICTION AND VENUE

3. Plaintiff Miller has fulfilled the jurisdictional requirements of Title VII of the Civil Rights Act of 1964 and the 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).

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

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

6. Defendant Mayo is subject to the provisions of Title VII and the ADA because Defendant Mayo 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).

7. 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 conducts business in the State of Minnesota.

PARTIES

8. Plaintiff Miller is a former employee of Defendant Mayo.

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

10. Plaintiff Anita Miller is 51 years old and a Minnesota resident who worked as a registered nurse for Mayo for over 21 years. Most recently she worked on the neonatal transport team. Plaintiff Miller requested a religious exemption from the Vaccine Mandate and then a request for reconsideration, which were both denied.

11. Plaintiff Miller is a Christian and her religious exemption was based on opposition to the use of vaccines produced with or tested by aborted baby cells. She is Christian and has determined she cannot, consistent with her conscience, take the Covid-19 vaccine. She is a believer in Jesus Christ, Lord and Savior, believes the tenants of the Holy Scripture that whatever she does in life will be called into account, including what she does to her body, made in the image of God, and to do otherwise is a sin against God.

12. Defendant Mayo terminated Plaintiff Miller's employment on January 3, 2022 based on her refusal to take the Covid-19 vaccine. Plaintiff Miller filed a charge with the EEOC and received a Right to Sue letter from EEOC dated February 23, 2022.

13. Plaintiff Miller has had glowing positive job performance reviews, even being called a "very well respected member of the neonatal transport nursing team."

Even after the Covid-19 Pandemic was underway and Plaintiff Miller had worked for nearly one and one-half years while unvaccinated, she was called an “incredible transport nurse,” a “great resource to her peers,” and that she has a “wealth of knowledge,” and is “amazing.”

FACTS

14. During the pandemic in 2020 and 2021, Plaintiff Miller was asked to work her own and frequently additional shifts in order to cover the increase in treatment and care for patients during the height of the Covid-19 pandemic. At that time, Plaintiff Miller, while unvaccinated, continued to provide patient care while employed by Defendant Mayo.

15. Defendant Mayo recognized the important work that all of its employees were doing—the unvaccinated and the vaccinated—and on September 28, 2021 the President and CEO of Mayo Clinic (Gianrico Farrugia, M.D.), along with the Chief administrative Officer (Jeff Bolton) wrote to 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. The Vaccine Mandate stated that “all Mayo Clinic staff members” must get vaccinated with one of the Covid-19 vaccines or else the employees would be considered “noncompliant,” later “placed on unpaid leave,” and eventually “terminated.” The Vaccine Mandate applied to “all staff, including remote workers,” of which Defendant

Mayo had many. Recognition of the important work performed by the unvaccinated employees disappeared only two weeks after being celebrated.

17. The Vaccine Mandate was announced on October 13, 2021. Defendant Mayo's policy required all staff to become vaccinated against Covid-19, and that if they were not already vaccinated or only partially vaccinated, they would have to become vaccinated or be approved for a medical or religious exemption by December 3, 2021, or be terminated.

18. On October 25, 2021, Defendant Mayo sent a communication outlining the steps to comply with the Covid-19 vaccination policy. Beginning on December 3, 2021, Defendant Mayo issued Final Written Warnings to noncompliant staff with instructions on complying by January 3, 2022, or be terminated.

19. Defendant Mayo announced that there were both medical and religious exemptions from the Vaccine Mandate, and did allow for employees to apply for "*medical and religious exemptions*" to the Vaccine Mandate, and even provided "*forms*" for such applications.

20. However, what Defendant Mayo gave with one hand, it took away with the other by proclaiming that "*it is anticipated that a small number of staff will have qualifying religious exemption.*" (emphasis added) It further wrote: "*applications for a religious exemption will be denied if the panel determines the applicant does not demonstrate a sincerely held religious belief,* (emphasis added). Further, Defendant Mayo declared: "*[o]nly a small number of staff are expected to qualify for a religious exemption.*" (emphasis added).

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