

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Patti Jones, Karin Murry, Kathy Kerssen,
Carrie Martinson, Jacki Stene, and
Deb Koziolk,

Plaintiffs,

vs

The Mayo Clinic; a Minnesota non-profit
corporation, and the Mayo Foundation, a
Minnesota non-profit corporation,

Defendants.

Court File No. 22-cv-1478 JRT/BRT

COMPLAINT

JURY TRIAL DEMANDED

Plaintiffs Patti Jones (“Plaintiff Jones”), Karin Murry (“Plaintiff Murry”), Kathy Kerssen (“Plaintiff Kerssen”), Carrie Martinson (“Plaintiff Martinson”), Jacki Stene (“Plaintiff Stene”), and Deb Koziolk (“Plaintiff Koziolk”) (all Plaintiffs collectively “Plaintiffs”) make the following allegations for their Complaint against Defendant The Mayo Clinic (“Defendant Mayo”) and Defendant the Mayo Foundation (“Defendant Mayo Foundation”).

INTRODUCTION

1. In October, 2021, Defendant Mayo mandated that all its employees, including employees of its related corporation Defendant Mayo Foundation, receive the Covid-19 vaccination as a condition of continuing their employment (“Vaccine Mandate”). Many of Defendant Mayo’s and Defendant Mayo Foundation’s employees, including Plaintiffs, objected to receiving these vaccinations because of their sincerely-

held religious beliefs. Plaintiffs filed requests for a religious exemption with Defendant Mayo and Defendant Mayo Foundation to be exempt from taking the Covid-19 vaccination. Defendant Mayo and Defendant Mayo Foundation denied the requested religious exemptions. In addition, Defendant Mayo and Defendant Mayo Foundation failed to undertake an individual interactive process with any of the Plaintiffs as required for evaluating religious exemption requests. Defendant Mayo and Defendant Mayo Foundation terminated Plaintiffs solely based on Plaintiffs refusal to take the Covid-19 vaccine. However, only a couple of months after terminating Plaintiffs, Defendant Mayo and Defendant Mayo Foundation reversed part of their Vaccine Mandate regarding testing, demonstrating that the terminations of Plaintiffs were either unnecessary or a pretext.

2. Based on Defendant Mayo's and Defendant Mayo Foundation's implementation of the Vaccine Mandate and their refusal to grant Plaintiffs their requests for religious exemptions, Plaintiffs bring claims under Title VII for religious discrimination, the Americans with Disabilities Act ("ADA") based on Defendant Mayo's and Defendant Mayo Foundation's Vaccine Mandate, related state claims under the Minnesota Human Rights Act for religious discrimination and disability discrimination and breach of contract.

JURISDICTION AND VENUE

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

7. 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).

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

9. 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 and Defendant Mayo Foundation conduct business in the State of Minnesota.

PARTIES

10. Plaintiff Patti Jones is a Wisconsin resident who worked for Defendant Mayo most recently in the post hospital partnership program. She worked 100% remotely for most of the last two years of her employment.

11. Plaintiff Karin Murry is a Rochester, Minnesota resident who is 55 years old and worked for the Defendant Mayo Foundation as a respiratory therapist for over 30 years. On information and belief, Plaintiff Murry is one of the more highly paid employees at her position.

12. Plaintiff Kathy Kerssen is a Rochester, Minnesota resident who most recently worked as a certified optician for Defendant Mayo for nearly 20 years. Plaintiff Kerssen is 53 years old and is one of the more highly paid employees at her position.

13. Plaintiff Carrie Martinson is a Gilbert, Arizona resident who worked for Defendant Mayo as a nurse practitioner for nearly 20 years when she resided in Minnesota. She made \$62.75 per hour, which made her one of the more highly paid employees for her position.

14. Plaintiff Jacki Stene is an Albert Lea, Minnesota resident who is 62 years old and worked for Defendant Mayo as an senior IT access management specialist. Plaintiff Stene worked for Defendant Mayo for approximately 35 years and on information and belief was one of the more highly paid employees at her position.

15. Plaintiff Deb Koziolk is a Minnesota resident who is 60 years old and worked for Defendant Mayo as an LPN for 18 years. On information and belief, Plaintiff Koziolk was one of the more highly paid employees at her position.

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

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

FACTS

18. During the pandemic in 2020 and 2021, Plaintiffs were asked to work their 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, Plaintiffs, while unvaccinated, continued to provide patient care or continue working during the pandemic while employed by Defendant Mayo or Defendant Mayo Foundation.

19. Defendant Mayo and Defendant Mayo Foundation 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 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.”

20. However, just two weeks later, Defendant Mayo implemented its Vaccine Mandate for Defendant Mayo and Defendant Mayo Foundation. 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

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