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CIRCUIT COURT FOR THE STATE OF OREGON
COUNTY OF LANE

WILLIAM MATTHEWS, an individual,
Plaintiff,
v.
LEGACY HEALTH, a corporation,
Defendant.

Case No. 23CV40338
FIRST AMENDED COMPLAINT FOR
DAMAGES
(EMPLOYMENT DISCRIMINATION)
Prayer: \$448,000.00
NOT SUBJECT TO MANDATORY
ARBITRATION
JURY TRIAL REQUESTED

COMES NOW, Plaintiff, through counsel, to respectfully file this First Amended
Complaint for Damages against the above-named Defendant (herein, “Defendant” or “Legacy”).
Plaintiff alleges the following:

JURISDICTION, VENUE, AND PARTIES

1.

Venue for this action is proper in Lane County. The Plaintiff worked at all times relevant
to this Complaint in Lane County, Oregon. Defendant is a corporation with more than 500
employees that does regular, sustained business activity in the State of Oregon and specifically in
Eugene, Oregon.

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1 2.

2 Plaintiff exhausted his administrative remedies through the Oregon Bureau of Labor and
3 Industries (BOLI) and has timely filed this Complaint. Plaintiff received a right-to-sue letter from
4 the U.S. Equal Employment Opportunity Commission on September 25, 2023.

5 3.

6 Plaintiff seeks a jury trial for all claims that can be tried to a jury under state law.

7 **STATEMENT OF FACTS**

8 4.

9 The COVID-19 pandemic manifested in Oregon in late February of 2020. The pandemic
10 immediately represented a dramatic event in the lives of every Oregon resident, but particularly
11 individuals who worked in health care facilities. Plaintiff was exposed to the harsh realities of
12 the pandemic on a daily basis, including the risk that he may get infected with the virus. This
13 was especially true at the start of the pandemic, when personal protective equipment (“PPE”)
14 supplies were low, and reusing PPE was a necessity.

15 5.

16 Plaintiff worked for over four years without incident and with exclusively positive reviews
17 as a Courier Driver/Laboratory Representative for Legacy at their Eugene Laboratory. At the time
18 of his termination, Plaintiff made approximately \$37,500.00 annually with a generous benefits
19 package.
20

21 6.

22 Like so many health care workers during the pandemic, Plaintiff adjusted his life to best
23 ensure the safety of patients and colleagues. Plaintiff worked by himself for much of the day,
24 stopping into laboratories at medical facilities. He scrupulously followed clinic/hospital rules and
25 regulations to protect against infection, which included wearing PPE, testing for COVID-19,
26

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1 hand-washing and other hygiene protocols, social distancing when possible, and quarantining
2 when necessary.

3
4 7.

5 In the summer of 2021, Plaintiff was notified that the Defendant would be implementing
6 and enforcing a vaccine mandate in the workplace. Plaintiff was informed that those individuals
7 with religious and/or medical conditions preventing them from taking the vaccine could apply for
8 exemptions to the vaccine mandate.

9 8.

10 On or about September 2, 2021, Plaintiff applied for a religious exemption from the vaccine
11 based on his sincerely held religious beliefs because he is a devout Christian. Plaintiff believes that
12 his body is a temple of the Holy Spirit and that he is to glorify God in his body, and that taking the
13 vaccine may harm his body, which is not what God intended. Plaintiff quoted Corinthians 6:19-
14 20, which states “Or do you not know that your body is a temple of the Holy Spirit within you,
15 whom you have from God? You are not your own, for you were bought with a price. So, glorify
16 God in your body.” In addition, Plaintiff could not go against his deeply held religious beliefs by
17 taking a vaccine that had used aborted fetal cells in the testing or manufacture of the vaccine, as
18 he believes that abortion is murder. Plaintiff was informed his religious exception was denied.
19 On or about October 31, 2021, Plaintiff was terminated.

20 9.

21 As a consequence of Legacy’s unlawful actions, Plaintiff suffered mental and emotional
22 distress, including stress and humiliation. As a result of Legacy’s unlawful termination of Plaintiff
23 based on his religiously based objection to taking the COVID-19 vaccine, Plaintiff lost the career
24 that he thought he would have until he retired, his income and benefits. Plaintiff was not able to
25 find new employment and was forced to cash out his retirement account to pay bills. He was also
26

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1 forced into taking early retirement and will receive less monthly social security benefit as a result,
2 which will impact him for the rest of his life. Plaintiff has incurred economic damages of at least
3 \$148,000.00 in lost wages and non-economic damages of \$300,000 or in an amount to be
4 determined at trial.

5
6 10.

7 The Defendant has yet to explain why, in its view, after more than eighteen months of
8 being able to work without incident during the pandemic, as well as his compliance with the
9 accommodations implemented by the Defendant, Plaintiff's status suddenly created an
10 unacceptable health and safety risk necessitating his termination.

11 11.

12 Upon information and belief, the Defendant's adverse employment actions against
13 Plaintiff were not to protect against an unacceptable health and safety risk. Instead, those actions
14 were discriminatory against Plaintiff based on his sincerely held religious beliefs and retaliation
15 for expressing those beliefs. Defendant could have continued to employ Plaintiff with the same
16 accommodations implemented by the Defendant.

17 12.

18 **FIRST CLAIM FOR RELIEF**
19 **(Unlawful Employment Discrimination Based on Religion**
20 **in Contravention of Or. Rev. Stat. § 659A.030)**

21 Plaintiff realleges all paragraphs above and below as if fully set forth herein.

22 13.

23 Plaintiff is a member of a protected class on the basis of his devout and sincerely held
24 religious beliefs.

25 14.

26 The Plaintiff's sincerely held religious beliefs conflicted with the Defendant's COVID-
19 vaccine mandate.

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1 15.

2 When Plaintiff raised his sincere religious objection to taking the COVID-19 vaccine, the
3 Defendant denied his requested exception to the vaccine, and then retaliated against Plaintiff for
4 raising his religious objection to the vaccine and terminated him. It would not have been an unfair
5 hardship for Defendant to have allowed Plaintiff to continue working with PPE, regular testing,
6 and other measures to protect against the spread of COVID-19, as was done for the nearly two
7 years before the imposition of the COVID-19 vaccine mandate.

8 16.

9 Instead of continuing to allow reasonable accommodation or set of accommodations to
10 accommodate Plaintiff's religious beliefs, Defendant terminated the Plaintiff. The unlawful
11 discrimination against Plaintiff's religion by Defendant as outlined above was a proximate cause
12 of Plaintiff's wrongful termination.

13 17.

14 Defendants' violations of ORS 695A.030(1) are more specifically described as follows:

- 15 1. Wrongful Termination. Defendants wrongfully terminated Plaintiff in violation of ORS
16 695A.030 by identifying the Plaintiff and other similarly situated employees by their initial
17 requests for religious accommodation and terminating them after they invoked their rights
18 under ORS 695A.030, in their requests for religious exemptions from the vaccine
19 mandates. Defendants, by thus identifying each individual disfavored employee with
20 sincere religious objection, and separating them as a group to be terminated, violated
21 695A.030 anti-discrimination prohibition on the basis of both disparate treatment and
22 disparate impact.
- 23 2. Wrongful reduction in pay. Defendants wrongfully reduced the Plaintiff's pay under Title
24 VII and ORS 695A.030(1)(b) in a discriminatory manner on the basis of his religion by
25 terminating him after he submitted his religious exemption.
26

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