

**IN THE UNITED STATES DISTRICT COURT
EASTERN SECTION OF TENNESSEE
AT KNOXVILLE**

AARON MILES BARE,)
on behalf of himself and all others)
similarly situated,)

Plaintiffs,)

v.)

CARDINAL HEALTH, INC.,)

Defendant.)

Civil Action No.: _____
**THIS IS THE FIRST APPLICATION FOR
EXTRAORDINARY RELIEF**

JURY DEMANDED

**VERIFIED COMPLAINT FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF, AND FOR DAMAGES**

For his complaint against the Defendant, Plaintiff alleges and avers the following:

EXIGENCIES JUSTIFYING A TEMPORARY RESTRAINING ORDER

1. This action is brought by the Plaintiff and all other similarly situated individuals to remedy the Defendant's pattern of unlawful discrimination against employees who requested religious exemptions and accommodations from the Defendant's COVID-19 Vaccine Mandate.

2. In his Prayer for Relief, *infra*, and in the contemporaneously filed Motion for Temporary Restraining Order and Preliminary Injunction, Plaintiff seeks a Temporary Restraining Order ("TRO") against the Defendant's discriminatory, unlawful and unconscionable refusal to grant Plaintiff a religious exemption and accommodation for his sincerely held religious beliefs which prohibits Plaintiff from complying with the Defendant's policy mandating that all of its salaried employees receive one form of the COVID-19 vaccine (hereinafter "Mandatory COVID-19 Vaccination Policy").

3. **Unless this Court intervenes and grants a TRO prior to December 6, 2021, Defendant will terminate the Plaintiff and all other similarly situated employees on December 6, 2021, causing incalculable and irreparable harm to them and their families, as described herein, including potential homelessness, lack of medical care, lack of food and shelter, disrupted education for their children, financial ruin and harms to their physical, mental and emotional health.**

4. Plaintiff is a healthcare professional who has sincerely held religious beliefs against taking the COVID-19 vaccines because they were either developed from, or tested with, aborted fetal cell lines or for other religious reasons explained to the Defendant. Because of the Defendant's unlawful actions in denying all or virtually all meritorious exemption requests, Plaintiff is faced with an immediate "choice" to either (a) receive the COVID-19 vaccination in direct violation of their conscience and sincerely held religious beliefs, or (b) be terminated from his employment with the Defendant as a consequence of exercising his fundamental and statutory rights to refuse administration of the COVID-19 vaccines. "Such a Hobson's choice is actually no choice at all." *Smith v. Grams*, 556 F.3d 1037, 1046 (7th Cir. 2009) (emphasis added). Such a sword of Damocles should never be allowed to hang over the head of a citizen of a country founded on religious freedom. See U.S. Const., am. I (Congress shall pass no law respecting an establishment of religion; nor prohibiting the free exercise thereof . . .).

5. Defendant summarily denied Plaintiff's religious exemption request. Plaintiff's request was based upon the fact that his religious beliefs prevent him from taking any vaccine, such as the COVID-19 vaccines which have been developed or tested with aborted fetal tissue. Should Plaintiff take said vaccine, he believes he would be committing a sin based upon the teachings of his church and the Holy Bible, King James Version. It is utterly immaterial to

Plaintiff's request for a religious exemption what church he attends; it only matters whether he has a sincere belief that taking certain actions places him in danger of committing a sin against his God. The Plaintiff is a citizen and resident of the only nation in the world founded upon principals of manifest destiny and religious freedom; yet his employer, who is not allowed to terminate him for sincerely held religious beliefs, has decided to enact policies which would make any communist or king of the old world proud indeed. Defendant summarily denied Plaintiff's request, and upon information and belief, other employee's religious exemption requests without the chance to appeal the decision. **See Exhibits A and B.**

6. Plaintiff and all other similarly situated employees that had their religious exemption requests denied by the Defendant have been given until December 6, 2021 to make the decision whether to comply with the Defendant's Mandatory COVID-19 Vaccination Policy.

7. Plaintiff and all other similarly situated employees stand to suffer severe and irreparable harm absent a TRO. Plaintiff and other employees depend heavily on their employment with the Defendant to support themselves and their families. Plaintiff is the father of seven young children. Plaintiff, and perhaps other employees of the Defendant, is the sole provider for his family and the loss of employment would be devastating. As attested to further below, the harms which would result absent a TRO include, but are not limited to, homelessness, loss of medical insurance and the ability to provide urgent medical care for Plaintiffs and family members, and inability to pay for their children's educations. Plaintiff, and others similarly situated, are also being subjected to harassment, intimidation and threats as a result of their religious declination of vaccination, which is causing anxiety and stress for Plaintiff and his family.

8. A TRO is needed now to prevent the irreparable harm to Plaintiff's sincerely held religious beliefs and his cherished occupations, mission and life calling to care for others. Absent

a TRO, Plaintiff will be forced to violate his sincerely held religious beliefs or face adverse employment action from Defendant.

9. Plaintiff has earnestly, honestly, and in good faith sought religious exemptions and reasonable accommodations from Defendant's Mandatory COVID-19 Vaccination Policy, but has been summarily rejected. **Exhibits A and B.**

10. Plaintiff has complied with all requirements for seeking an accommodation and exemption based upon his sincerely held religious beliefs, and otherwise complied with all of the requirements Defendant established for seeking a religious exemption from the Mandatory COVID-19 Vaccination Policy. Indeed, Plaintiff has scratched and clawed to obtain the relief he seeks without judicial intervention. Those efforts failed and a TRO and preliminary injunction is the only mechanism by which Plaintiff's sincerely held religious beliefs may be protected and accommodated prior to the suffering of immediate and irreparable injury.

11. Plaintiff does not seek to harm anyone, nor does he request a license to roam about uninhibited as though no health threat existed. Plaintiff merely seeks to protect his sincerely held religious beliefs not to receive a medical product created with or tested upon aborted fetal cell lines while being afforded the opportunity to continue his employment, service to others and life calling. Plaintiff is willing to abide by protections that have been espoused as sufficient to protect against COVID-19, namely wearing a mask, self-monitoring for symptoms, voluntary reporting of potential symptoms, and reasonable testing requirements. These mechanisms plainly provide a sufficient alternative to forced vaccination in violation of sincerely held religious beliefs.

12. Several throughout the nation, including this District, have already issued injunctive relief, including temporary restraining orders, to plaintiffs who are threatened with adverse employment consequences because of their religious or conscience-based objections to

COVID-19 vaccines: *Velvet Darnell et. al. v. Quincy Physicians and Surgeons Clinic, S.C. and Blessing Corporate Services, Inc.*, Case No. 2021 MR 193 (18th Judicial Cir. Adams County, IL October 1, 2021) (granting TRO under Illinois Health Care Right of Conscience Act, and enjoining healthcare provider from taking adverse action against healthcare employees declining COVID-19 vaccination on religious and conscience grounds); *David Sambrano et. al. v. United Airlines, Inc.*, Case No. 4:21-01074-P (N.D. Texas. Oct. 18, 2021); *Dr. A. v. Hochul*, No. 1:21-CV-1009-DNH-ML, 2021 WL 4734404, *9 (N.D.N.Y. Sept. 14, 2021) (granting preliminary injunction against enforcement of New York’s COVID-19 vaccine mandate on healthcare workers for failure to grant religious exemptions and noting that “Title VII does not demand mere neutrality with regard to religious practices . . . rather, it gives them favored treatment.’ Thus, under certain circumstances, Title VII ‘requires otherwise-neutral policies to give way to the need for an accommodation.” (emphasis added)); *We The Patriots USA, Inc. v. v. Hochul*, No. 21-2179, dkt. 65 (2d Cir. Sept. 30, 2021) (issuing an injunction pending appeal against enforcement of New York’s COVID-19 Vaccine Mandate for its failure to allow for religious accommodations); *Dahl v. Bd. of Trustees of W. Michigan Univ.*, No. 21-2945, 2021 WL 4618519 (6th Cir. Oct. 7, 2021) (allowing the preliminary injunction to stand against a University’s failure to accommodate student athletes with sincerely held religious objections to the COVID-19 vaccine mandate and noting that “The University put plaintiffs to the choice: get vaccinated or stop fully participating in intercollegiate sports. . . . By conditioning the privilege of playing sports on plaintiffs’ willingness to abandon their sincere religious beliefs, the University burdened their free exercise rights.” (emphasis added)); *Magliulo v. Edward Via College of Osteopathic Medicine*, No. 3:21-CV-2304, 2021 WL 36799227 (W.D. La. Aug. 17, 2021) (granting temporary restraining order against a medical school for the school’s failure to grant religious exemptions when reasonable

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