

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

Angela Johnson,

Plaintiff,

vs

Mayo Clinic Health System-Southwest
Wisconsin Region, Inc., a Wisconsin Non-
Stock Corporation,

Defendant.

Court File No. 24-cv-0271

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Angela Johnson (“Plaintiff Johnson”), makes the following allegations for her complaint against the Defendant Mayo Clinic Health System-Southwest Wisconsin Region, Inc. (“Defendant Mayo” or “Defendant”).

INTRODUCTION

1. In October, 2021, Defendant Mayo mandated that all of its employees, including those of its related entities such as Defendant The Mayo Clinic, receive the Covid-19 vaccination as a condition of continuing their employment (“Vaccine Mandate”). Many of Defendant’s employees, including Plaintiff, objected to receiving these vaccinations because of their sincerely-held religious beliefs. Plaintiff filed a request for a religious exemption with Defendant to be exempt from taking the Covid-19 vaccination. Defendant denied the requested exemption. In addition, Defendant failed to undertake an individual interactive process as required for evaluating religious exemption requests.

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

JURISDICTION AND VENUE

3. Plaintiff has fulfilled the jurisdictional requirements of Title VII of the Civil Rights Act of 1964 and the ADA, including filing of Charges with the EEOC and the receipt of a right-to-sue letter from Equal Employment Opportunity Commission ("EEOC"), 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'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-stock corporation operating in and located in the State of Wisconsin. Its parent corporation is 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 Wisconsin under 28 U.S.C. § 1391(e)(1) because the actions giving rise to this cause of action either occurred in Wisconsin, or Defendant Mayo conducts business in the State of Wisconsin.

PARTIES

8. Plaintiff Johnson is a Wisconsin resident who worked for Defendant Mayo as a Health Information Specialist. Plaintiff worked for Defendant for nearly 14 years.

9. Defendant Mayo is a Wisconsin non-stock corporation which operates medical facilities in Wisconsin.

FACTS

10. During the pandemic in 2021, Plaintiff worked diligently, and entirely remotely, while unvaccinated, to perform all duties Defendant Mayo requested of her.

11. When Covid-19 vaccines first became available in December 2020 Defendant encouraged, but did not require its employees to get vaccinated. Plaintiff worked for Mayo during 2021 while unvaccinated, and performed her duties exceptionally well and without endangering other employees or patients.

12. Defendant recognized in November 2020, in the words of Dr. Gregory Poland, head of Mayo's Vaccine Research Group, that "*we can't mandate that people take a vaccine, it's their right not to take one.*"

13. Again in December 2020 Defendant recognized that "*vaccination is voluntary.*"

14. Defendant also recognized that some of its employees would have religious objections to taking the vaccine, and accordingly, Defendant had a policy until September

2021 of granting all or nearly all requests for religious exemptions. In fact, Defendant granted Plaintiff Johnson’ request for a religious exemption to the Covid-19 vaccine in approximately August 2021.

15. In other litigation during October 2021, Defendant Mayo and its parent and related companies boasted that they granted 90% of requests for religious exemptions, and because Mayo was so lenient in granting requests for religious exemptions, the Defendant argued that the Plaintiffs in the case *Mary Roe 1, et al., v. Allina Health Systems, et al.*, (including Mayo Clinic), Case 0:21-cv-02127, filed October 8, 2021 (hereafter the “*Mary Roe*” case), had no standing because it was unlikely they would be terminated or would suffer any negative consequences as a result of Defendant’s Vaccine Mandate.

16. Defendant 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.

17. However, just two weeks later, Defendant 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 had many. Recognition of the important work performed by the unvaccinated employees disappeared only two weeks after being celebrated.

18. Defendant announced the Vaccine Mandate on October 13, 2021. Defendant’s changed policy required all staff to receive one of the available Covid-19 vaccines, 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. *Exhibit 1.*

19. On October 25, 2021 Defendant sent a communication to its employees outlining the steps to comply with the Covid-19 vaccination policy. Beginning on December 3, 2021, Defendant issued Final Written Warnings to noncompliant staff with instructions on complying by January 3, 2022, or they would be terminated. *Exhibit 1.*

20. Defendant announced that there were both medical and religious exemptions from the Vaccine Mandate, and did allow employees to apply for “medical and religious exemptions” to the Vaccine Mandate, and even provided “forms” for such applications.

21. However, what Defendant 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). Further, Defendant declared: “[o]nly a small number of staff are expected to qualify for a religious exemption.” (emphasis added).

22. Defendant printed and distributed this message that it would only grant a “*small number*” of the religious exemptions, as it and its related corporations

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