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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

ANNIE AHN, *et al.*,

Plaintiffs,

VS.

SANTA CLARA COUNTY,

Defendant.

Case No.: 5:25-cv-06980-PCP

**FIRST AMENDED COMPLAINT
FOR:**

1. Violation of the Free Exercise Clause of the First Amendment to the United States Constitution, 42 U.S.C. § 1983;
 2. Violation of Title VII, 42 U.S.C. § 2000e, *et seq.*;
 3. Violation of California's Fair Employment and Housing Act, Cal. Gov't Code § 12940; and
 4. Deprivation of Civil Rights Under 42 U.S.C. § 1983 (*Monell*)

JURY TRIAL DEMANDED

I. NATURE OF THE ACTION

1. This is a complaint for employment discrimination brought by employees holding religious convictions against taking the SARS-CoV-2 (“COVID-19”) vaccine and boosters.

2. In early 2020, the world discovered a novel coronavirus, COVID-19. Governments responded with unprecedented restrictions on freedom. They closed schools and shut down industries. They decided which activities were “essential” and which were not.

3. Many of these orders started in Santa Clara County (the “County” or “Defendant”). Indeed, former County Counsel James Williams and former Health Officer Dr. Sara Cody take credit for the first lockdown.

4. During 2020, several experimental vaccines were developed to help limit the effects of COVID-19. They were developed quickly to protect those who were at highest risk of becoming seriously ill from COVID-19, such as the elderly and those with multiple comorbidities.

5. Responding to the spread of Omicron and other variants, County executives ordered that all workers in high-risk settings in the County get the COVID-19 vaccine plus the most recent boosters.

6. County executives have the sole authority to enforce COVID-19 mandates and policies in the County and retain the discretion to exempt anyone from their policies or amend their policies at any time.

7. Plaintiffs are or were during the relevant time period County employees whose religious beliefs prevent them from taking the COVID-19 vaccine or boosters. In the fall of 2021, Defendant issued a mandate that all of its personnel must be vaccinated against COVID-19 or face termination. The County stated that it would accept requests for exemption from the vaccine mandate for medical, disability, and religious reasons. Plaintiffs all requested religious exemptions from the COVID-19 vaccination requirements, and the County granted those exemptions, with one exception. The County subsequently informed Plaintiffs that, despite their religious exemptions, and because of the purportedly high-risk nature of their jobs, they would still be required to take the COVID-19 vaccine and boosters or be placed on administrative leave

1 without pay for an indefinite period of time. Defendant included in this shocking notification a
 2 statement that it would discuss with Plaintiffs potential reassignment or transfer to alternate
 3 positions in Plaintiffs' departments or elsewhere in the County. However, instead of engaging in
 4 good faith negotiations to determine reasonable accommodations, Defendant relegated Plaintiffs
 5 to unpaid leave and stripped them of their employment benefits. By contrast, Defendant assisted
 6 individuals with medical and disability exemptions to the COVID-19 vaccine requirement with
 7 transfers and reassessments. Defendant also allowed some unvaccinated employees to work in
 8 high-risk settings in spite of, and in conflict with, its claim that permitting Plaintiffs to continue
 9 working unvaccinated would pose an undue hardship to the County.

10 8. This action seeks damages and equitable and injunctive relief related to the
 11 County's vaccine orders, policies and conduct that violated California's Fair Employment and
 12 Housing Act (FEHA) and Title VII and deprived Plaintiffs of their rights to free exercise of
 13 religion.

14 II. PARTIES

15 9. Plaintiff Annie Ahn was employed by the County as a Registered Nurse. She holds
 16 sincere religious beliefs that prevent her from receiving the COVID-19 vaccine and boosters. As
 17 a Buddhist, she is forbidden from acts that lead to the destruction of any potential life and, without
 18 a guarantee that the experimental vaccine will not do any harm to her body, being forced to take
 19 the vaccine would violate her religious beliefs. Plaintiff Ahn submitted a written request for a
 20 religious exemption from the COVID-19 vaccination mandate, and the County granted her
 21 request. Nevertheless, Plaintiff Ahn was subjected to adverse employment action when the
 22 County placed her on indefinite, involuntary and unpaid administrative leave and stripped her of
 23 employment benefits because she did not take the COVID-19 vaccine. She was placed on unpaid
 24 administrative leave despite being a charge nurse who had little direct interaction with patients.
 25 In fact, she had previously gotten in trouble for putting the phone down to temporarily help with
 26 patient care. Furthermore, she had previously been allowed to work directly with COVID-19
 27 patients in full, anti-exposure gear. The County did not offer Plaintiff a reasonable
 28 accommodation, or consider her suggestions for reasonable accommodations, such as taking

1 reasonable precautions by wearing gear and testing, teleworking, or helping her transfer to a
 2 comparable job in a lower-risk position. The County cannot demonstrate that reasonably
 3 accommodating Plaintiff Ahn would have caused it to suffer undue hardship. Plaintiff knew of
 4 non-patient-facing jobs that were available that she was qualified for—such as educational jobs,
 5 quality insurance work, and triage nursing positions. However, the County refused to consider
 6 her for such positions. Plaintiff Ahn was also aware of other jobs, which directly interacted with
 7 the public to a greater extent than her job, but who were considered lower-risk and allowed to
 8 continue working without being vaccinated—including sheriff's positions and firefighters.
 9 Plaintiff Ahn has exhausted administrative remedies and has received a notice of right to sue from
 10 the Equal Employment Opportunity Commission ("EEOC") and the California Civil Rights
 11 Department ("CRD").¹ A true and correct copy of the notices, along with those of the other
 12 Plaintiffs, accompanies this Complaint, is incorporated in full, and is marked as **Exhibit A**.

13 10. Plaintiff Jorge Alvarez was employed by the County as a Roofer. Plaintiff
 14 Alvarez's job was almost entirely solitary, as he does his work alone and was the only roofer
 15 available and working through the pandemic. During the relevant time period, Plaintiff Alvarez
 16 arrived at work early in the morning before nearly anyone else, obtained his assignment for the
 17 day, and was out of the administrative facility by 6:45 a.m. Sometimes there would be one or two
 18 other people in the office, but they were more than 30 feet away from him. Furthermore, his office
 19 work could be accomplished remotely anywhere with an internet connection. Ninety-five percent
 20 of the time, Plaintiff Alvarez had direct access to the roof he was working on and did not have to
 21 pass through the building. The remaining 5% of the time, Mr. Alvarez would have to walk through
 22 the building to get to the roof, which did not require any human contact and could be
 23 accomplished in a matter of minutes. Also, there were enough buildings with direct roof access
 24 that needed work that Mr. Alvarez could have continued to work full-time without ever having to

25 1 The EEOC and the CRD have a work-sharing agreement that "automatically initiate[s] the
 26 proceeding of both the EEOC and [CRD] for the purposes of Sections 706(c) and (e)(1) of Title
 27 VII." Worksharing Agreement Between State of California Civil Rights Department & The U.S.
 28 Equal Employment Opportunity Commission, 2025, available at: <https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2025/05/WSA-CRD-EEOC-FY25-CPG-Signed-Oct-15-2024.pdf> (last visited Nov. 21, 2025).

1 enter a building. Plaintiff Alvarez holds sincere religious beliefs that prevent him from receiving
 2 the COVID-19 vaccine and boosters. He believes his body is a temple of the Holy Spirit and, by
 3 injecting foreign biological substance into it, he would violate the sanctity of his body as a temple
 4 and disobey the Holy Scriptures if he were to take the COVID-19 vaccine. Plaintiff Alvarez
 5 submitted a written request for a religious exemption from the COVID-19 vaccination mandate,
 6 and the County granted his request. Nevertheless, Plaintiff Alvarez was subjected to adverse
 7 employment action when the County placed him on indefinite, involuntary and unpaid
 8 administrative leave and stripped him of employment benefits because he did not take the
 9 COVID-19 vaccine. Plaintiff Alvarez was placed on administrative leave despite originally being
 10 told his position was categorized as low risk. The County did not offer Plaintiff reasonable
 11 accommodation such as masking and testing, teleworking, or a job transfer to a comparable but
 12 lower-risk position. The County cannot demonstrate that reasonably accommodating Plaintiff
 13 would have caused it to suffer undue hardship. Plaintiff Alvarez has exhausted administrative
 14 remedies and has received a notice of right to sue from the EEOC and CRD. *See Exhibit A.*

15 11. Plaintiff Lawanda Avila was employed by the County as a Rehabilitation
 16 Counselor. When COVID-19 appeared in 2020, the County made her work from home full-time
 17 and she completed all her job functions from her house until the County forced her to return to
 18 on-site work on July 15, 2021, and required her to test since she was unvaccinated. On August 2,
 19 2021, she received an Americans with Disabilities Act (ADA) accommodation such that she was
 20 no longer required to go into locked facilities to see her clients. This accommodation was valid
 21 until November 1, 2021. In practice, her ADA accommodation removed most, if not all, of her
 22 in-person client interaction since she rarely had clients who were not in locked facilities. Her work
 23 was fully completed over the computer or telephone—like she did from home during COVID
 24 until July 15, 2021. Despite this, her job was labeled as high risk, and she was told to get
 25 vaccinated to keep her job. Plaintiff Avila holds sincere religious beliefs that prevented her from
 26 receiving the COVID-19 vaccine and boosters without violating her faith. She believes that her
 27 body is a temple for the Holy Spirit and she must abstain from contaminating it with a vaccine
 28 that was tested and/or manufactured by using aborted fetal cell lines. She believes that human

1 life is sacred because Holy Scripture says, “Thou shall not murder,” Exodus 20:13, and that
2 abortion is wrong and she cannot take part in a process that included anything that had to do with
3 abortion, such as using a vaccine that used aborted fetal cell lines for testing and manufacturing.
4 Plaintiff Avila submitted a written request for a religious exemption from the COVID-19
5 vaccination mandate, and the County granted her request. Nevertheless, Plaintiff Avila was
6 subjected to adverse employment action when the County placed her on indefinite, involuntary
7 and unpaid administrative leave and stripped her of employment benefits because she did not take
8 the COVID-19 vaccine. The County did not offer Plaintiff Avila reasonable accommodation such
9 as masking and testing, teleworking, or a job transfer to a comparable but lower-risk position. In
10 fact, when she reached out to the administrative executive overseeing accommodation, she was
11 told that this was not an interactive process and her request to continue to work from home was
12 denied, despite successfully performing her job duties from home during COVID and prior to the
13 vaccine mandate. The County cannot demonstrate that reasonably accommodating Plaintiff Avila
14 would have caused it to suffer undue hardship. Plaintiff Avila has exhausted administrative
15 remedies and has received a notice of right to sue from the EEOC and the CRD. *See Exhibit A.*

16 12. Plaintiff Coorina Ayala was employed by the County as a Clinical Dietitian. When
17 the COVID-19 pandemic began in 2020, she began working from home and was able to complete
18 every aspect of her job from home since she provided telehealth services to her pregnant clients.
19 The County, however, made her leave the safety of her home to test weekly during this time. Once
20 the vaccine mandate was issued in the fall of 2021, she was told she could no longer work from
21 home and had to vaccinate to continue working. Plaintiff Ayala holds sincere religious beliefs
22 that prevent her from receiving the COVID-19 vaccine and boosters. She believes her body is a
23 temple for the Holy Spirit and to inject a vaccine with aborted fetal cells would break God’s 5th
24 commandment to not murder because she believes abortion is murder according to Holy Scripture,
25 and it would also break the 6th Commandment to not commit adultery because the 6th
26 Commandment is about keeping oneself pure and chaste. Purity of body and soul has been a
27 constant practice for her, and taking the COVID vaccine, which is made or tested with aborted
28 fetal cells—products of abortion/murder—would gravely stain the purity of her body and soul

1 and therefore violate her religious beliefs. Plaintiff Ayala submitted a written request for a
2 religious exemption from the COVID-19 vaccination mandate, and the County granted her
3 request. Nevertheless, Plaintiff Ayala was subjected to adverse employment action when the
4 County placed her on indefinite, involuntary and unpaid administrative leave and stripped her of
5 employment benefits because she did not take the COVID-19 vaccine. The County did not offer
6 Plaintiff reasonable accommodation such as masking and testing, teleworking, or a job transfer
7 to a comparable but lower-risk position. The County cannot demonstrate that reasonably
8 accommodating Plaintiff would have caused it to suffer undue hardship. Plaintiff Ayala has
9 exhausted administrative remedies and has received a notice of right to sue from the EEOC and
10 CRD. *See Exhibit A.*

11 13. Plaintiff Brandon Bowyer was employed by the County as a Methadone Clinic
12 Nurse. His job required him to dispense methadone to patients through a slit in a glass wall from
13 inside a room where he was isolated and never encountered another employee because there was
14 a separate entrance. Plaintiff Bowyer holds sincere religious beliefs that prevented him from
15 receiving the COVID-19 vaccine and boosters without violating his faith. He believes that any
16 deviation from God's perfection of creation of his body by subjecting it to modification is an
17 affront to God. Plaintiff Bowyer believes that the Holy Scripture prevents the altering of his
18 cellular structure with the vaccine. Plaintiff Bowyer submitted a written request for a religious
19 exemption from the COVID-19 vaccination mandate, and the County granted his request. Pre-
20 COVID-19, he worked in the dispensary once a week, but once the vaccine mandate was issued,
21 his supervisors and colleagues all agreed he should take the others' shifts and work there full-
22 time as an accommodation. Nevertheless, the County outright denied the requested
23 accommodation, and Plaintiff Bowyer was subjected to adverse employment action when the
24 County placed him on indefinite, involuntary and unpaid administrative leave and stripped him
25 of employment benefits because he did not take the COVID-19 vaccine. The County did not offer
26 Plaintiff any alternative reasonable accommodation such as masking and testing, teleworking, or
27 a job transfer to a comparable but lower-risk position. The County cannot demonstrate that
28 reasonably accommodating Plaintiff would have caused it to suffer undue hardship. Plaintiff

1 Bowyer has exhausted administrative remedies and has received a notice of right to sue from the
2 EEOC. *See Exhibit A.*

3 14. Plaintiff Shirley Childs was employed by the County as a Probation Counselor II.
4 Plaintiff Childs holds sincere religious beliefs that prevents her from receiving the COVID-19
5 vaccine and boosters. She believes that God is her divine protector, believes in the practice of
6 Divine Healing and Protection, and that the vaccine mandate does not fall under one of the
7 recognized ordinances of the Church of God in Christ. Taking the Covid-19 vaccine would
8 interfere with her belief, faith, and understanding as God being her divine healer through
9 Salvation (salvation encompasses the restoration of the whole body and includes healing) and
10 Entire Sanctification (she is called to present herself to God in full surrender, including being
11 open and willing for any changes in sickness or disease). More importantly, once she has been
12 baptized by water and Spirit, her body becomes a Temple for the Spirit of God and she should
13 not allow foreign or unnatural substances to enter in, and God is her source for all things and will
14 protect her body from all sickness and disease. Therefore, to take the vaccine would violate these
15 beliefs. Plaintiff Childs submitted a written request for a religious exemption from the COVID-
16 19 vaccination mandate, and the County granted her request. Nevertheless, Plaintiff Childs was
17 subjected to adverse employment action when the County placed her on indefinite, involuntary
18 and unpaid administrative and stripped her of employment benefits leave because she did not take
19 the COVID-19 vaccine. The County did not offer Plaintiff reasonable accommodation such as
20 masking and testing, teleworking, or a job transfer to a comparable but lower-risk position. The
21 County cannot demonstrate that reasonably accommodating Plaintiff would have caused it to
22 suffer undue hardship. After using all of her leave bank time, she was forced to retire five years
23 earlier than she had planned because of the financial hardship she experienced from the County's
24 adverse employment action and the lack of accommodation. Plaintiff Childs has exhausted
25 administrative remedies and has received a notice of right to sue from the EEOC and CRD. *See*
26 **Exhibit A.**

27 15. Plaintiff Lananh D'Amour was employed by the County as a Diagnostic Imaging
28 Technologist 1. Plaintiff D'Amour holds sincere religious beliefs that prevent her from receiving

1 the COVID-19 vaccine and boosters. She believes the Holy Scripture tells Christians to abstain
 2 from contaminating one's body with substances that are harmful. Plaintiff D'Amour submitted a
 3 written request for a religious exemption from the COVID-19 vaccination mandate, and the
 4 County granted her request. Nevertheless, Plaintiff D'Amour was subjected to adverse
 5 employment action when the County forced her to wear stickers on her identification badge that
 6 identified her as being unvaccinated and did not allow her to sit or eat in the breakroom and did
 7 not provide an alternate location to eat or rest until it placed her on indefinite, involuntary and
 8 unpaid administrative leave and stripped her of employment benefits because she did not take the
 9 COVID-19 vaccine. The County did not offer Plaintiff reasonable accommodation such as
 10 masking and testing, teleworking, or a job transfer to a comparable but lower-risk position. The
 11 County cannot demonstrate that reasonably accommodating Plaintiff D'Amour would have
 12 caused it to suffer undue hardship. Plaintiff D'Amour has exhausted administrative remedies and
 13 has received a notice of right to sue from the EEOC and CRD. *See Exhibit A.*

14 16. Plaintiff Megan DeDios was employed by the County as a Sonographer IIB. When
 15 the County issued its vaccine mandate, she was told that if she did not vaccinate, she would lose
 16 her job. Plaintiff DeDios holds sincere religious beliefs that prevent her from receiving the
 17 COVID-19 vaccine and boosters. She believes that her body is a temple for the Holy Spirit and it
 18 is her God-given duty to protect the integrity of her body; taking the vaccine would violate her
 19 commitment to the stewardship of her body as the temple. Plaintiff DeDios submitted a written
 20 request for a religious exemption from the COVID-19 vaccination mandate, and the County
 21 granted her request. Nevertheless, Plaintiff DeDios was subjected to adverse employment action
 22 when the County placed her on indefinite, involuntary and unpaid administrative leave and
 23 stripped her of employment benefits because she did not take the COVID-19 vaccine. The County
 24 did not offer Plaintiff DeDios reasonable accommodation such as masking and testing,
 25 teleworking, or a job transfer to a comparable but lower-risk position. The County cannot
 26 demonstrate that reasonably accommodating Plaintiff would have caused it to suffer undue
 27 hardship. Plaintiff DeDios has exhausted administrative remedies and has received a notice of
 28 right to sue from the EEOC and CRD. *See Exhibit A.*

1 17. Plaintiff Sinora Freeland was employed by the County as a Mental Health Peer
 2 Support Worker. Freeland holds sincere religious beliefs that prevent her from receiving the
 3 COVID-19 vaccine and boosters. She believes that God is her divine protector, believes in the
 4 practice of Divine Healing and Protection, and that the vaccine mandate does not fall under one
 5 of the recognized ordinances of the Church of God in Christ. She believes that after Holy Baptism,
 6 her life and body belong completely to God, and to put something in her body that she does not
 7 have peace about would violate the Holy consecration from her Baptism. Plaintiff Freeland
 8 believes that Holy Communion proclaims that Christ is her source of spiritual life and her healer,
 9 and to rely on the vaccine for protection conflicts with her faith in His healing power. She also
 10 believes that the ordinance of foot washing teaches humility, obedience, and spiritual cleansing,
 11 symbolizing a clean and obedient life before God and she must avoid anything that disturbs the
 12 peace of God. Because she did not feel spiritually at peace about the vaccine, she believes that
 13 taking it would violate the spiritual purity and obedience God requires. Plaintiff Freeland
 14 submitted a written request for a religious exemption from the COVID-19 vaccination mandate,
 15 and the County granted her request. Nevertheless, Plaintiff Freeland was subjected to adverse
 16 employment action when the County placed her on indefinite, involuntary and unpaid
 17 administrative leave and stripped her of employment benefits because she did not take the
 18 COVID-19 vaccine. The County did not offer Plaintiff reasonable accommodation such as
 19 masking and testing, teleworking, or a job transfer to a comparable but lower-risk position. The
 20 County cannot demonstrate that reasonably accommodating Plaintiff would have caused it to
 21 suffer undue hardship. Plaintiff Freeland has exhausted administrative remedies and has received
 22 a notice of right to sue from the EEOC and CRD. *See Exhibit A.*

23 18. Plaintiff Jeremy Garvin was employed by the County as a Sheriff's Deputy.
 24 Plaintiff Garvin holds sincere religious beliefs that prevented him from receiving the COVID-19
 25 vaccine and boosters without violating his faith. He believes that the presence of aborted fetal
 26 cells in vaccines violates the Holy Scripture and that his body is a temple for the Holy Spirit and
 27 he should not violate the integrity of the temple by injecting genetic material or genetically
 28 manipulating his body. He also prayed about it and felt the Holy Spirit move his conscience that

1 he must not accept the vaccine. Plaintiff Garvin submitted a written request for a religious
2 exemption from the COVID-19 vaccination mandate, and the County granted his request.
3 Nevertheless, Plaintiff Garvin was subjected to adverse employment action when the County
4 placed him on indefinite, involuntary, and unpaid administrative leave and stripped him of
5 employment benefits because he did not take the COVID-19 vaccine. He has personal knowledge
6 of other County positions, such as patrol deputy, which were classified as medium risk, despite
7 regularly having contact with individuals, including during arrests, house visits, and other regular
8 duties of such positions. Upon threat of firing, Plaintiff Garvin was forced to sign a “voluntary”
9 demotion form, to which he attached an addendum stating it was not in fact voluntary. Plaintiff
10 Garvin is aware of vaccinated but non-boosted employees who were allowed to continue to work
11 despite the updated vaccine mandate requiring boosters. The County did not offer Plaintiff
12 reasonable accommodation such as masking and testing, teleworking, or a job transfer to a
13 comparable but lower-risk position. One job he applied for, a property and evidence job, was not
14 labeled as high risk on the application. He placed first in the job evaluation test and obtained the
15 necessary certifications, but the job was given to another individual despite Plaintiff Garvin’s
16 years of employment with the County. A few months later another property and evidence position
17 was posted, but this time it was classified as high-risk. The County cannot demonstrate that
18 reasonably accommodating Plaintiff would have caused it to suffer undue hardship. Plaintiff
19 Garvin has exhausted administrative remedies and has received a notice of right to sue from the
20 CRD. **See Exhibit A.**

21 19. Plaintiff Lourdes Gomez was employed by the County as a Social Worker III for
22 Child Protective Services. Plaintiff Gomez holds sincere religious beliefs that prevent her from
23 receiving the COVID-19 vaccine and boosters. The Catholic Church teaches therapeutic
24 proportionality—an assessment on whether the benefits of a medical intervention, like the
25 vaccine, outweigh the undesirable side effects and burdens in light of the integral good of the
26 person’s spiritual, mental, and physical bodily goods. Through therapeutic proportionality,
27 Plaintiff Gomez had a religious objection to the vaccine that it would be detrimental to her spirit.
28 Plaintiff Gomez submitted a written request for a religious exemption from the COVID-19

1 vaccination mandate, and the County granted her request. Nevertheless, Plaintiff Gomez was
 2 subjected to adverse employment action when the County placed her on indefinite, involuntary
 3 and unpaid administrative leave and stripped her of employment benefits because she did not take
 4 the COVID-19 vaccine. The County did not offer Plaintiff Gomez reasonable accommodation
 5 such as masking and testing, teleworking, or a job transfer to a comparable but lower-risk position.
 6 Plaintiff Gomez was told that the County would be assisting those with medical exemptions by
 7 identifying low- and intermediate-risk positions within and then outside the department to transfer
 8 them into, but that those with religious exemptions needed to apply for a new position. The
 9 County cannot demonstrate that reasonably accommodating Plaintiff would have caused it to
 10 suffer undue hardship. Plaintiff Gomez has exhausted administrative remedies and has received
 11 a notice of right to sue from the CRD. *See Exhibit A.*

12 20. Plaintiff Lydia Gonzales-Murphy was employed by the County as a Clinical Nurse
 13 III. Plaintiff Gonzales-Murphy holds sincere religious beliefs that prevent her from receiving the
 14 COVID-19 vaccine and boosters. She believes the Holy Scripture prohibits her from defiling her
 15 body because it is the temple for the Holy Spirit and to inject the vaccine with is foreign biological
 16 materials and other harmful substances would violate both her spiritual conscience and the
 17 sanctity of her body as a temple. She inquired in prayer, asking the Holy Spirit for direction for a
 18 vaccine that was being coerced, but she did not have the peace of the Holy Spirit to proceed. Since
 19 obedience is another religious conviction, because “obedience is better than sacrifice” (1 Samuel
 20 15:22), she could not take the vaccine without disobedience and violation of her religious beliefs.
 21 Plaintiff Gonzales-Murphy submitted a written request for a religious exemption from the
 22 COVID-19 vaccination mandate, and the County granted her request. The County did not offer
 23 Plaintiff reasonable accommodation such as masking and testing, teleworking, or a job transfer
 24 to a comparable but lower-risk position. The County cannot demonstrate that reasonably
 25 accommodating Plaintiff would have caused it to suffer undue hardship. Nevertheless, Plaintiff
 26 Gonzales-Murphy was subjected to adverse employment action when the County refused to
 27 accommodate her, and she was forced to retire early. She had no intention of retiring and had
 28 received approval from her supervisor for a temporary special assignment that would begin after

1 the date she ultimately retired. She suffered significant financial injuries due to the County's
 2 actions and now faces a lifetime of significantly reduced pension payments due to her forced early
 3 retirement. Plaintiff Gonzales-Murphy has exhausted administrative remedies and has received a
 4 notice of right to sue from the EEOC and CRD. *See Exhibit A.*

5 21. Plaintiff Danele Howard was employed by the County as a Clinical Nurse III.
 6 Plaintiff Howard holds sincere religious beliefs that prevent her from receiving the COVID-19
 7 vaccine and boosters. She believes that the circumstances surrounding the vaccine symbolize the
 8 practice of evil warned about in the Holy Scriptures, that to inject it into her body would be a
 9 means of genetic modification that deviates from God's true intent and creation of her body, and
 10 that the presence of fetal cell cultures in the vaccine violates her religious beliefs. Plaintiff Howard
 11 submitted a written request for a religious exemption from the COVID-19 vaccination mandate,
 12 and the County granted her request. Nevertheless, Plaintiff Howard was subjected to adverse
 13 employment action when the County placed her on indefinite, involuntary and unpaid
 14 administrative leave and stripped her of employment benefits because she did not take the
 15 COVID-19 vaccine. The County did not offer Plaintiff reasonable accommodation such as
 16 masking and testing, teleworking, or a job transfer to a comparable but lower-risk position. The
 17 County cannot demonstrate that reasonably accommodating Plaintiff would have caused it to
 18 suffer undue hardship. Plaintiff Howard has exhausted administrative remedies and has received
 19 a notice of right to sue from the CRD. *See Exhibit A.*

20 22. Plaintiff William Kozich was employed by the County as a Therapy Technician.
 21 Plaintiff Kozich holds sincere religious beliefs that prevent him from receiving the COVID-19
 22 booster. He believes that his body is the temple of the Holy Spirit and to inject it with the vaccine
 23 would defile it, the presence of the aborted fetal cells violates the Holy Scripture, there is a chance
 24 the vaccine could affect reproductive health, and it would be sinful to put himself at risk. Plaintiff
 25 Kozich submitted a written request for a religious exemption from the COVID-19 booster
 26 mandate, and the County granted his request. Nevertheless, Plaintiff Kozich was subjected to
 27 adverse employment action when the County placed him on indefinite, involuntary and unpaid
 28 administrative leave and stripped him of employment benefits because he did not take the

1 COVID-19 booster. The County did not offer Plaintiff reasonable accommodation such as
 2 masking and testing, teleworking, or a job transfer to a comparable but lower-risk position. The
 3 County cannot demonstrate that reasonably accommodating Plaintiff Kozich would have caused
 4 it to suffer undue hardship. Plaintiff Kozich has exhausted administrative remedies and has
 5 received a notice of right to sue from the EEOC and CRD. *See Exhibit A.*

6 23. Plaintiff Brandon Lim was employed by the County as a Correctional Deputy
 7 Sheriff. Plaintiff Lim holds sincere religious beliefs that prevent him from receiving the COVID-
 8 19 vaccine and boosters. He believes that taking the vaccine would conflict with his core religious
 9 beliefs and violate the Holy Scripture because it is derived from aborted fetus cells and other
 10 harmful substances. Plaintiff Lim submitted a written request for a religious exemption from the
 11 COVID-19 vaccination mandate, and the County granted his request. Nevertheless, Plaintiff Lim
 12 was subjected to adverse employment action when the County placed him on indefinite,
 13 involuntary and unpaid administrative leave and stripped him of employment benefits because he
 14 did not take the COVID-19 vaccine. The County did not offer Plaintiff reasonable accommodation
 15 such as masking and testing, teleworking, or a job transfer to a comparable but lower-risk position.
 16 The County cannot demonstrate that reasonably accommodating Plaintiff would have caused it to
 17 suffer undue hardship. Plaintiff Lim has exhausted administrative remedies and has received a
 18 notice of right to sue from the EEOC and CRD. *See Exhibit A.*

19 24. Plaintiff Rashaad Malvo was employed by the County as a Correctional Deputy
 20 Sheriff. Plaintiff Malvo holds sincere religious beliefs that prevent him from receiving the
 21 COVID-19 vaccine and boosters. He believes that his body is a temple of the Holy Spirit and that
 22 the Holy Scripture instructs him not to ingest any foreign substance or anything unclean into his
 23 body. The vaccines contain unclean substances that would violate the Holy Scripture, and the
 24 Holy Scripture also gives clear instruction on how to overcome sickness that does not include
 25 injection of genetically modifying material into the body. To inject the vaccine into his body
 26 would violate the Holy Scripture, and Plaintiff Malvo believes breaking God's laws can lead to
 27 eternal damnation. He submitted a written request for a religious exemption from the COVID-19
 28 vaccination mandate, and the County granted his request. Nevertheless, Plaintiff Malvo was

1 subjected to adverse employment action when the County placed him on indefinite, involuntary
 2 and unpaid administrative leave and stripped him of employment benefits because he did not take
 3 the COVID-19 vaccine. The County did not offer Plaintiff reasonable accommodation such as
 4 masking and testing, teleworking, or a job transfer to a comparable but lower-risk position. The
 5 County cannot demonstrate that reasonably accommodating Plaintiff would have caused it to
 6 suffer undue hardship. Plaintiff Malvo has exhausted administrative remedies and has received a
 7 notice of right to sue from the EEOC and CRD. *See Exhibit A.*

8 25. Plaintiff Brian Miller was employed by the County as a Registered Nurse. Plaintiff
 9 Miller holds sincere religious beliefs that prevent him from receiving the COVID-19 vaccine and
 10 boosters. He believes that his body is a temple for the Holy Spirit, to inject the vaccine into his
 11 body would defile it, and, upon reflection and prayer, it is against God's will for him to take the
 12 vaccine and to go against it would be disobeying the commands of his Lord, Savior, and King,
 13 bearing the weight of eternal consequences. Further, the presence of fetal cell lines in the vaccine
 14 directly violates the Holy Scripture and would cause him to sin and violate his religious beliefs if
 15 the vaccine was injected into his body. Plaintiff Miller submitted a written request for a religious
 16 exemption from the COVID-19 vaccination mandate, and the County granted his request.
 17 Nevertheless, Plaintiff Miller was subjected to adverse employment action when the County
 18 placed him on indefinite, involuntary and unpaid administrative leave and stripped him of
 19 employment benefits because he did not take the COVID-19 vaccine. The County did not offer
 20 Plaintiff Miller reasonable accommodation such as masking and testing, teleworking, or a job
 21 transfer to a comparable but lower-risk position. The County cannot demonstrate that reasonably
 22 accommodating Plaintiff Miller would have caused it to suffer undue hardship. Plaintiff Miller
 23 has exhausted administrative remedies and has received a notice of right to sue from the EEOC
 24 and CRD. *See Exhibit A.*

25 26. Plaintiff Rustyn Mooney was employed by the County as an Occupational
 26 Therapist II. Plaintiff Mooney holds sincere religious beliefs that prevent her from receiving the
 27 COVID-19 vaccine and boosters. She believes that her body is the temple of the Holy Spirit and
 28 to inject it with aborted fetal cells contained in the vaccine would violate the Holy Scripture.

1 Plaintiff Mooney submitted a written request for a religious exemption from the COVID-19
2 vaccination mandate, and the County granted her request. Nevertheless, Plaintiff Mooney was
3 subjected to adverse employment action when the County placed her on indefinite, involuntary
4 and unpaid administrative leave and stripped her of employment benefits because she did not take
5 the COVID-19 vaccine. The County did not offer Plaintiff Mooney reasonable accommodation
6 such as masking and testing, teleworking, or a job transfer to a comparable but lower-risk position.
7 The County cannot demonstrate that reasonably accommodating Plaintiff Mooney would have
8 caused it to suffer undue hardship. Plaintiff Mooney has exhausted administrative remedies and
9 has received notices of the right to sue from the EEOC and the CRD. *See Exhibit A.*

10 27. Plaintiff Duane Moten was employed by the County as a Sterilizing and Processing
11 Technician. His job has no client interactions because he only sterilizes and stores surgical
12 instruments. Plaintiff Moten holds sincere religious beliefs that prevent him from receiving the
13 COVID-19 vaccine and boosters. He believes that to inject the vaccine that contains aborted fetal
14 cells into his body violates the Holy Scripture. Plaintiff Moten submitted a written request for a
15 religious exemption from the COVID-19 vaccination mandate, and the County granted his
16 request. Nevertheless, Plaintiff Moten was subjected to adverse employment action when the
17 County placed him on indefinite, involuntary and unpaid administrative leave and stripped him
18 of employment benefits because he did not take the COVID-19 vaccine. The County did not offer
19 Plaintiff reasonable accommodation such as masking and testing, teleworking, or a job transfer
20 to a comparable but lower-risk position. The County cannot demonstrate that reasonably
21 accommodating Plaintiff Moten would have caused it to suffer undue hardship. Plaintiff Moten
22 has exhausted administrative remedies and has received a notice of right to sue from EEOC and
23 CRD. *See Exhibit A.*

24 28. Plaintiff Suzanne Nichols was employed by the County as a Clinical Nurse III. For
25 part of her work duties, she only had to make calls about lab results. She was making these calls
26 from home starting in March/April 2020. Plaintiff Nichols received the original COVID-19
27 vaccine, but after discovering the vaccine contained fetal cell tissue that violated her sincere
28 religious beliefs, she refused to get the booster. She believes that the Holy Spirit guides each

1 person who believes in Him; and when she sought His will through prayer, read the Holy
2 Scriptures, and relied on the power of the Holy Spirit, the Holy Spirit moved her heart and
3 conscience that she must not accept the COVID-19 booster. Plaintiff Nichols submitted a written
4 request for a religious exemption from the COVID-19 booster mandate, and the County granted
5 her request. Nevertheless, Plaintiff Nichols was subjected to adverse employment action when
6 the County placed her on indefinite, involuntary and unpaid administrative leave and stripped her
7 of employment benefits because she did not take the COVID-19 booster. The County did not offer
8 Plaintiff Nichols reasonable accommodation such as masking and testing, teleworking, or a job
9 transfer to a comparable but lower-risk position. The County cannot demonstrate that reasonably
10 accommodating Plaintiff Nichols would have caused it to suffer undue hardship. Plaintiff Nichols
11 has exhausted administrative remedies and has received a notice of right to sue from the EEOC
12 and CRD. *See Exhibit A.*

13 29. Plaintiff Carlos Padilla was employed by the County as a Probation Counselor.
14 Plaintiff Padilla holds sincere religious beliefs that prevent him from receiving the COVID-19
15 vaccine and boosters. He believes that his body is a temple of the Holy Spirit and that it is a sin
16 to violate the will of God, and taking the vaccine would go against his spiritual conscience and
17 the Holy Scripture and would result in him sinning and violating the will of God. Plaintiff Padilla
18 submitted a written request for a religious exemption from the COVID-19 vaccination mandate,
19 and the County granted his request. The County did not offer Plaintiff Padilla reasonable
20 accommodation such as masking and testing, teleworking, or a job transfer to a comparable but
21 lower-risk position. He requested, and was refused, a transfer to an alternative position he was
22 qualified for within the department, despite a fellow employee with a medical exemption being
23 transferred to the same position. The County cannot demonstrate that reasonably accommodating
24 Plaintiff Padilla would have caused it to suffer undue hardship. Nevertheless, Plaintiff Padilla was
25 subjected to adverse employment action when the County refused to accommodate him, and he
26 was forced to retire for fear of losing his pension. Plaintiff Padilla has exhausted administrative
27 remedies and has received a notice of right to sue from the CRD. *See Exhibit A.*

28

1 30. Plaintiff Brenda Perez was employed by the County as a Correctional Seargent.
2 Plaintiff Perez holds sincere religious beliefs that prevent her from receiving the COVID-19
3 vaccine and boosters. She practices personal revelation as a daily component of her faith,
4 continually seeking spiritual guidance through prayer. Each time she prayed regarding the
5 COVID-19 vaccine, she received personal revelation affirming that receiving the vaccine was not
6 for her greater good and the greater good of those around her. Her sincerely held religious belief
7 is to follow the revelation she receives, and doing so prevented her from taking the vaccine. She
8 believes in free agency and follows the guidance received through revelation under her religion.
9 Plaintiff Perez submitted a written request for a religious exemption from the COVID-19
10 vaccination mandate, and the County granted her request. Nevertheless, Plaintiff Perez was
11 subjected to adverse employment action when her co-workers and supervisors harassed her and
12 called her an anti-vaxxer, and when the County placed her on indefinite, involuntary and unpaid
13 administrative leave and stripped her of employment benefits because she did not take the
14 COVID-19 vaccine. The County did not offer Plaintiff Perez reasonable accommodation such as
15 masking and testing, teleworking, or a job transfer to a comparable but lower-risk position. The
16 County cannot demonstrate that reasonably accommodating Plaintiff Perez would have caused it
17 to suffer undue hardship. Plaintiff Perez has exhausted administrative remedies and has received
18 a notice of right to sue from the EEOC and CRD. *See Exhibit A.*

19 31. Plaintiff Timothy Perry was employed by the County as a Correctional Officer.
20 Plaintiff Perry holds sincere religious beliefs that prevent him from receiving the COVID-19
21 vaccine and boosters. He believes that his body functions in the manner God intended it to and
22 that the Holy Scriptures are clear that doing something that goes against his conscience would
23 violate his religious beliefs. Plaintiff Perry submitted a written request for a religious exemption
24 from the COVID-19 vaccination mandate, and the County granted his request. But the County
25 did not offer him any reasonable accommodation such as masking and testing, teleworking, or a
26 job transfer to a comparable but lower-risk position. Instead, he was threatened with
27 administrative leave that was to start November 2021. But without any explanation, the County
28 changed the date to February 2022. The County cannot demonstrate that reasonably

1 accommodating Plaintiff would have caused it to suffer undue hardship. Plaintiff Perry was aware
 2 of other positions within his department the County could have transferred him to—for example,
 3 a job in the control box of the jail where he would have worked alone behind glass—but the
 4 County never offered him any of those positions as accommodation despite his high seniority.
 5 Instead, he was subjected to adverse employment action when the County forced him to
 6 prematurely retire due to the financial hardship unpaid administrative leave caused him and the
 7 lack of accommodation by the County. Plaintiff Perry has exhausted administrative remedies and
 8 has received a notice of right to sue from the EEOC and the CRD. *See Exhibit A.*

9 32. Plaintiff Prabhakar Isaac was employed by the County as an Administrative
 10 Assistant. Plaintiff Isaac holds sincere religious beliefs that prevent him from receiving the
 11 COVID-19 vaccine and boosters. He believes Holy Scripture commands him to not defile his
 12 body, and that by injecting it with the vaccine that contains aborted fetal cells and other harmful
 13 substances that may have negative impacts related to reproductive health, he would be violating
 14 his religious beliefs and harming his future children. Plaintiff Isaac submitted a written request
 15 for a religious exemption from the COVID-19 vaccination mandate, and the County granted his
 16 request. Nevertheless, Plaintiff Isaac was subjected to adverse employment action when the
 17 County placed him on indefinite, involuntary and unpaid administrative leave and stripped him
 18 of employment benefits because he did not take the COVID-19 vaccine. The County did not offer
 19 Plaintiff Isaac reasonable accommodation such as masking and testing, teleworking, or a job
 20 transfer to a comparable but lower-risk position. The County cannot demonstrate that reasonably
 21 accommodating Plaintiff Isaac would have caused it to suffer undue hardship. Plaintiff Isaac has
 22 exhausted administrative remedies and has received a notice of right to sue from EEOC and CRD.
 23 *See Exhibit A.*

24 33. Plaintiff Dale Nelson was employed by the County as a Correctional Deputy.
 25 Plaintiff Nelson holds sincere religious beliefs that prevent him from receiving the COVID-19
 26 vaccine and boosters. He believes that to inject the vaccine that contains aborted fetal cells into
 27 his body violates the Holy Scripture. Plaintiff Nelson submitted a written request for a religious
 28 exemption from the COVID-19 vaccination mandate, and the County denied his request.

1 Nevertheless, Plaintiff Nelson was subjected to adverse employment action as he was forced to
2 retire to avoid losing his benefits as he risked doing if the County fired him for cause. The County
3 did not offer Plaintiff Nelson reasonable accommodation such as masking and testing,
4 teleworking, or a job transfer to a comparable but lower-risk position. The County cannot
5 demonstrate that reasonably accommodating Plaintiff Nelson would have caused it to suffer
6 undue hardship. Plaintiff Nelson has exhausted administrative remedies and has received a notice
7 of right to sue from the CRD. *See Exhibit A.*

8 34. Plaintiff Aristides Pulido was employed by the County as a Probation Counselor.
9 Plaintiff Pulido holds sincere religious beliefs that prevent him from receiving the COVID-19
10 vaccine and boosters. He believes that his body is a temple for the Holy Spirit, that healing belongs
11 to the Lord, and that he is commanded to live by faith. To inject the vaccine into his body would
12 be violating his body as a temple and disobeying the Holy Scripture. Plaintiff Pulido submitted a
13 written request for a religious exemption from the COVID-19 vaccination mandate, and the
14 County granted his request. Nevertheless, Plaintiff Pulido was subjected to adverse employment
15 action when the County threatened to place him on indefinite, involuntary and unpaid
16 administrative leave and stripped him of employment benefits because he did not take the
17 COVID-19 vaccine. Plaintiff Pulido was not financially ready to retire and had planned to
18 continue working for the County. However, the County's threats forced him to retire. Plaintiff
19 Pulido suffered significant financial injuries due to the County's actions, including having to sell
20 his house to survive. Plaintiff Pulido now faces a lifetime of significantly reduced pension
21 payments due to his forced early retirement. The County did not offer Plaintiff Pulido reasonable
22 accommodation such as masking and testing, teleworking, or a job transfer to a comparable but
23 lower-risk position. When he attempted to engage in the accommodations process, he was told he
24 could not internally transfer without vaccinating and that he would have to apply to a job in the
25 same manner as any individual from the general public. The County cannot demonstrate that
26 reasonably accommodating Plaintiff Pulido would have caused it to suffer undue hardship.
27 Plaintiff Pulido has exhausted administrative remedies and has received a notice of right to sue
28 from the CRD. *See Exhibit A.*

1 35. Plaintiff Christina Rodriguez was employed by the County as a Registered
2 Environmental Health Specialist. The County could have accommodated Plaintiff Rodriguez by
3 permitting her to conduct her inspections in a manner that did not create a heightened risk of
4 COVID-19 transmission, such as conducting land-use or swimming pool inspections. The County
5 could have also permitted her to continue to work as a disaster services worker, a job she was
6 asked to do during the height of the pandemic. Plaintiff Rodriguez holds sincere religious beliefs
7 that prevent her from receiving the COVID-19 vaccine and boosters. She believes that to inject
8 the vaccine that contain aborted fetal cells into her body would violate the Holy Scripture. Plaintiff
9 Rodriguez submitted a written request for a religious exemption from the COVID-19 vaccination
10 mandate, and the County granted her request. Nevertheless, Plaintiff Rodriguez was subjected to
11 adverse employment action when the County placed her on indefinite, involuntary and unpaid
12 administrative leave and stripped her of employment benefits because she did not take the
13 COVID-19 vaccine. The County did not offer Plaintiff Rodriguez reasonable accommodation
14 such as masking and testing, teleworking, or a job transfer to a comparable but lower-risk position.
15 The County cannot demonstrate that reasonably accommodating Plaintiff Rodriguez would have
16 caused it to suffer undue hardship. Plaintiff Rodriguez has exhausted administrative remedies and
17 has received a notice of right to sue from the CRD. *See Exhibit A.*

18 36. Plaintiff Roxana Ruano was employed by the County as a Hospital Service
19 Assistant. Plaintiff Ruano holds sincere religious beliefs that prevent her from receiving the
20 COVID-19 vaccine and boosters. She believes that to inject the vaccine that contain aborted fetal
21 cells into her body would violate the Holy Scripture. Plaintiff Ruano submitted a written request
22 for a religious exemption from the COVID-19 vaccination mandate, and the County granted her
23 request. Nevertheless, Plaintiff Ruano was subjected to adverse employment action when the
24 County placed her on indefinite, involuntary and unpaid administrative leave and stripped her of
25 employment benefits because she did not take the COVID-19 vaccine. The County did not offer
26 Plaintiff Ruano reasonable accommodation such as masking and testing, teleworking, or a job
27 transfer to a comparable but lower-risk position. The County cannot demonstrate that reasonably
28 accommodating Plaintiff Ruano would have caused it to suffer undue hardship. Plaintiff Ruano

1 has exhausted administrative remedies and has received a notice of right to sue from the EEOC
 2 and the CRD. *See Exhibit A.*

3 37. Plaintiff Arnulfo Sanchez was employed by the County as a Probation Counselor
 4 I. Plaintiff Sanchez holds sincere religious beliefs that prevented him from receiving the COVID-
 5 19 vaccine and boosters. He believes in the healing power of the Holy Spirit and Holy Water, and
 6 his body is a temple for the Holy Spirit. To inject the vaccine into his body would violate the
 7 sanctity of his body as a temple and violate his faith in the healing powers of God. Plaintiff
 8 Sanchez submitted a written request for a religious exemption from the COVID-19 vaccination
 9 mandate, and the County granted his request. Nevertheless, Plaintiff Sanchez was subjected to
 10 adverse employment action when the County placed him on indefinite, involuntary and unpaid
 11 administrative leave and stripped him of employment benefits because he did not take the
 12 COVID-19 vaccine. The County did not offer Plaintiff Sanchez reasonable accommodation such
 13 as masking and testing, teleworking, or a job transfer to a comparable but lower-risk position. In
 14 contrast, however, one of his colleagues who worked in the same department and obtained a
 15 medical exemption was assisted and accommodated with a transfer to a position as a probation
 16 officer—a position that he was also qualified for. The County failed to even respond to his
 17 multiple requests for accommodation until Plaintiff Sanchez also obtained a medical exemption
 18 for the vaccine mandate. Plaintiff Sanchez interviewed for approximately two positions and then
 19 was told that the County was no longer reasonably accommodating people with medical
 20 exemptions.² The County cannot demonstrate that reasonably accommodating Plaintiff Sanchez
 21 would have caused it to suffer undue hardship. Plaintiff Sanchez has exhausted administrative
 22 remedies and has received a notice of right to sue from the CRD. *See Exhibit A.*

23 38. Plaintiff Adam Valle was employed by the County as a Sheriff's Office
 24 Lieutenant. His job duties would have allowed him to easily isolate within his own office with a
 25 closed door and not require any in-person interactions to oversee the correctional facility units. In

27 ² Upon information and belief, the County stopped assisting Plaintiff Sanchez when the Court in
 28 *UnifySCC v. Cody*, Case No. 22-cv-01019-BLF (N.D. Cal.) issued a preliminary injunction on
 June 30, 2022, enjoining the County from giving accommodation preference to individuals with
 medical and disability exemptions over those with religious exemptions.

1 fact, this is exactly what the County allowed when it asked Plaintiff Valle to return from
2 administrative leave for a special three-week assignment because he needed to testify in a case.
3 Plaintiff Valle was instructed to keep this on the “down-low.” Notably, when he returned to work,
4 he was not required to mask or test, he was still around all the same personnel as before, and he
5 completed all his same job duties during those three weeks. The only time he wore a mask was
6 when he testified on March 13, 2022. He was then forced to return to unpaid administrative leave
7 after the three weeks ended. Plaintiff Valle also had a unique insight into the County’s vaccination
8 mandate and its implementation due to his work responsibilities. Through his duties, he learned
9 that employees who were vaccinated but did not receive a booster were not put on administrative
10 leave despite the updated vaccine mandate requiring boosters. He also observed certain other
11 employees with captain and sergeant ranks who were unvaccinated and were allowed to go into
12 hospitals and continue their jobs overseeing the hospital. Plaintiff Valle holds sincere religious
13 beliefs that prevent him from receiving the COVID-19 vaccine and boosters. He believes that to
14 inject a vaccine that contains aborted fetal cells into his body would violate the Holy Scripture.
15 Plaintiff Valle submitted a written request for a religious exemption from the COVID-19
16 vaccination mandate, and the County granted his request. Nevertheless, Plaintiff Valle was
17 subjected to adverse employment action when the County placed him on indefinite, involuntary
18 and unpaid administrative leave and stripped him of employment benefits because he did not take
19 the COVID-19 vaccine. The County did not offer Plaintiff Valle reasonable accommodation such
20 as masking and testing, teleworking, or a job transfer to a comparable but lower-risk position. The
21 County cannot demonstrate that reasonably accommodating Plaintiff Valle would have caused it
22 to suffer undue hardship. Plaintiff Valle has exhausted administrative remedies and has received
23 a notice of right to sue from the EEOC and the CRD. *See Exhibit A.*

24 39. Plaintiff Brandi Villegas was employed by the County as a Senior Health Services
25 Representative. Her job had no public interaction and could be completed at home with very little
26 office presence. In fact, she was allowed to work remotely occasionally before the County issued
27 its vaccine mandate. Her position and authority would have allowed her to delegate her in-office
28 work to another employee who was vaccinated. In her immediately prior position as a Senior

1 Patient Business Clerk from February 10, 2020 to May 2021, she worked remotely four days a
 2 week. After being placed on forced administrative leave, she applied for her previous position as
 3 a Patient Business Clerk. But shortly after she applied, the risk tier for that position was changed
 4 to High Risk, despite most employees in that position working remotely. Plaintiff Villegas holds
 5 sincere religious beliefs that prevent her from receiving the COVID-19 vaccine and boosters. She
 6 believes that to inject a vaccine that contains aborted fetal cells into her body would violate the
 7 Holy Scripture. Plaintiff Villegas submitted a written request for a religious exemption from the
 8 COVID-19 vaccination mandate, and the County granted her request. Nevertheless, Plaintiff
 9 Villegas was subjected to adverse employment action when the County placed her on indefinite,
 10 involuntary and unpaid administrative leave and stripped her of employment benefits because she
 11 did not take the COVID-19 vaccine. The County did not offer Plaintiff Villegas reasonable
 12 accommodation such as masking and testing, teleworking, or a job transfer to a comparable but
 13 lower-risk position. The County cannot demonstrate that reasonably accommodating Plaintiff
 14 Villegas would have caused it to suffer undue hardship. Plaintiff Villegas has exhausted
 15 administrative remedies and has received a notice of right to sue from the EEOC and the CRD.

16 **See Exhibit A.**

17 40. Plaintiff Martha-Kathleen Volle was employed by the County as a Respiratory
 18 Therapist/Respiratory Care Practitioner II. Plaintiff Volle holds sincere religious beliefs that
 19 prevent her from receiving the COVID-19 vaccine and boosters. She believes that the Creator's
 20 earthy blessings include the choice to refuse medical treatment deemed unnatural, and being
 21 forced to take a vaccine violates her religious beliefs. Plaintiff Volle submitted a written request
 22 for a religious exemption from the COVID-19 vaccination mandate, and the County granted her
 23 request. Nevertheless, Plaintiff Volle was subjected to adverse employment action when the
 24 County placed her on indefinite, involuntary and unpaid administrative leave and stripped her of
 25 employment benefits because she did not take the COVID-19 vaccine. Plaintiff Volle's
 26 management bullied her, and the Director of Respiratory Care threatened her in front of her co-
 27 workers, saying, if she did not take the "shot" she would not be allowed to return to work. The
 28 County did not offer Plaintiff Volle reasonable accommodation such as masking and testing,

1 teleworking, or a job transfer to a comparable but lower-risk position. The County cannot
 2 demonstrate that reasonably accommodating Plaintiff Volle would have caused it to suffer undue
 3 hardship. Plaintiff Volle has exhausted administrative remedies and has received a notice of right
 4 to sue from the EEOC and the CRD. *See Exhibit A.*

5 III. JURISDICTION AND VENUE

6 41. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, as it
 7 arises under the U.S. Constitution and laws of the United States. This action presents a federal
 8 question, pursuant to 28 U.S.C. § 1343(a)(3)-(4). The Court also has jurisdiction under 42 U.S.C.
 9 § 2000-e5(f)(3).

10 42. This Court has supplemental jurisdiction over the state claim pursuant to 28 U.S.C.
 11 § 1337.

12 43. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1)–(2) because Defendant
 13 is situated in this judicial district, and a substantial part of the events or omissions giving rise to
 14 Plaintiffs' claims occurred in this district.

15 IV. FACTUAL BACKGROUND

16 A. Santa Clara County's COVID-19 Vaccination Policies and Risk Tier System

17 44. On August 5, 2021, the State Health Department issued an order requiring all
 18 workers who provided services to or worked in health care facilities to be vaccinated by
 19 September 30, 2021. The August 5, 2021 State Order allowed for exemptions from the vaccine
 20 requirement for individuals with sincerely health religious beliefs or qualifying medical reasons.
 21 Under the State order, those individuals with exemptions were permitted to continue to work if
 22 they complied with certain testing and masking requirements.

23 45. On that same day, County Executive Jeffrey V. Smith and County Counsel James
 24 R. Williams issued a Memorandum addressing the “COVID-19 Vaccination Requirement for
 25 County Personnel” to all County personnel. *See Exhibit B.* This mandate required all County
 26 personnel to be vaccinated against COVID-19, but allowed for exemptions for individuals with
 27 medical contraindications, disability, and objection to COVID-19 vaccination based on their
 28 sincerely-held religious belief, practice or observance.

1 46. The County instructed employees seeking accommodations to “[c]ontact their
 2 department head or designee(s) to obtain a copy of the appropriate form”—either the “Medical
 3 Exemption and/or Disability Accommodation Request Form” or the “Religious Accommodation
 4 Request Form”—and then to complete and submit the form to the County Equal Opportunity
 5 Division.

6 47. In the weeks following issuance of the vaccine mandate, County officials created
 7 a Risk Tier System that classified employees’ positions as low-risk, intermediate-risk, or high-
 8 risk for COVID-19 (the “Risk Tier System”). County employees would apply for and receive
 9 vaccination exemptions, and then County department heads would determine whether the
 10 employee’s role was high, intermediate, or low risk. Defendant purportedly considered the
 11 following factors: the quantity and nature of contact an employee had with others; the risk posed
 12 to vulnerable populations served by the County; the risk posed to persons at serious risk of illness
 13 and death from COVID-19; the risk posed to other employees; the risk of COVID-19 outbreaks
 14 in the work setting; and the essential job functions the employees were required to perform. *See*
 15 **Exhibit C.**

16 48. The County tasked each department head with determining the risk level of County
 17 positions. In larger departments, department heads often passed the assignment off to people who
 18 worked under them. The determinations were made on a case-by-case basis and did not require
 19 consulting with a medical professional.

20 49. For employees whose positions were categorized as low-risk, they could continue
 21 to work in that role if they wore a surgical mask and took a weekly PCR or antigen COVID-19
 22 test. For those categorized as intermediate-risk, they could continue in their roles as long as they
 23 wore an N95 respirator and took two PCR or antigen COVID-19 tests weekly. However,
 24 employees categorized as working in high-risk positions could not continue to work if they
 25 remained unvaccinated, even with a religious exemption.

26 50. By August 2021, a large majority of County residents were already vaccinated.
 27 Moreover, masking and social distancing help prevent COVID-19 transmission, and these
 28 precautions, in combination with periodic testing for COVID-19, were the mode of transmission

1 control the County utilized prior to the time that vaccines became available. Despite these facts,
2 the County did not permit its unvaccinated employees that it categorized as working in high-risk
3 jobs to continue working, even with a religious exemption.

4 51. On December 22, 2021, the State Health Department amended its prior order to
5 make booster vaccines mandatory. The December 22 State order again allowed for exemptions
6 from the vaccine and booster requirements and permitted exempt individuals to work in health
7 care facilities by meeting certain masking and testing requirements.

8 52. On December 28, 2021, the County Health Officer issued a health order “requiring
9 up-to-date vaccination for workers in certain high-risk settings” in the County “(i.e., both fully
10 vaccinated and boosted against COVID-19 if eligible for a booster)” by January 24, 2022. The
11 higher risk settings included skilled nursing facilities, healthcare delivery facilities, medical first
12 responders, jails and other correctional facilities. The December 28 order also expanded the
13 number of settings and positions considered high-risk. *See Exhibit D.* While the December 28
14 Health Order mandated that employers should permit religious and medical exemptions, and
15 should comply with reasonable accommodation requirements, the Order instructed that any
16 individuals who were not “compliant with the vaccination requirements [therein] cannot work in
17 Higher-Risk Settings . . . regardless of whether they have a pending exemption request or an
18 approved exemption.” To comply with these further health orders, the County updated its
19 vaccination policy for County employees on January 4, 2022.

20 53. On January 10, 2022, in light of the rapid onset of critical staffing concerns at some
21 facilities with higher-risk settings, the County issued a directive establishing a limited waiver
22 process. The waiver was available to entities facing critical staffing shortages and applied to
23 personnel who received a bona fide medical and/or religious exemption and who followed
24 specific safety protocols. *See Exhibit E.*

25 54. On March 7, 2022, the County Public Health Department issued a County-wide
26 public health order permitting unvaccinated, exempt employees to return to work in higher-risk
27 settings so long as they followed a minimum set of public health and safety measures, such as
28 masking and testing. Despite this order, and despite the fact that the overwhelming majority of

1 County residents were vaccinated by March 2022, the County did not permit Plaintiffs to return
 2 to work. Instead, on March 28, 2022, the County announced that it had made “updates” to its
 3 vaccination policy, which still required “all County personnel [to] be fully vaccinated and up-to-
 4 date on boosters for which they are eligible,” and which still provided that unvaccinated workers
 5 in high-risk jobs, even if exempt, could not return to work.

6 55. Finally, on September 27, 2022, the County Health Department issued an updated
 7 policy, rescinding the vaccination requirement for all County employees and risk tiers.

8 **B. Plaintiffs Hold Sincere Religious Beliefs that Prevent them from Taking the**
9 COVID-19 Vaccines

10 56. Plaintiffs work or worked for the County and were subject to its COVID-19
 11 vaccine policies and orders. Each hold sincere religious beliefs that prevent them from taking the
 12 COVID-19 vaccine and boosters. The County acknowledged Plaintiffs’ sincerely held religious
 13 beliefs by granting them religious exemptions, but the County then subjected them to adverse
 14 employment action by placing them on unpaid leave and stripping them of their employment
 15 benefits.

16 **C. Differing Accommodation Processes for Medically and Religiously Exempt**
17 Employees in High-Risk Settings

18 57. The County’s vaccination policy reflects that medically exempt employees were
 19 “entitled to priority consideration for placement in or selection for vacant positions as part of the
 20 accommodation process, consistent with disability law.” *See Exhibit C.* In practice, this resulted
 21 in the County referring religiously exempt and medically exempt employees in high-risk settings
 22 to different departments that offered different accommodation processes.

23 58. Employees with medical exemptions were referred to work with the County’s
 24 Equal Opportunity Division (“EOD”), which assisted medically exempt employees in identifying
 25 positions that would accommodate the employee’s medical disability. Once a vacancy was
 26 identified, the EOD would work with the department to directly place the medically exempt
 27 employee into the identified position. The medically exempt employee did not have to apply or
 28 compete for the position.

1 59. In contrast, employees with religious exemptions were referred to work with the
 2 County's Employment Services Agency ("ESA"), who created a VaxJobReview Team. This team
 3 merely assisted religiously exempt employees in identifying open County positions. The
 4 employee was required to apply for the position themselves and engage in a competitive
 5 recruitment process to obtain the position. Religiously exempt employees did not know the risk
 6 tier of the position they were applying for until they applied for the new position. Religiously
 7 exempt employees were not granted automatic placement/transfer or preferential treatment. After
 8 this Court in *UnifySCC v. Cody*, No. 5:22-cv-01019-BLF (N.D. Cal.) issued a preliminary
 9 injunction enjoining this practice on June 30, 2022 (*see id.* at ECF No. 44), the County responded
 10 by no longer providing transfers or reassignments to *any* employees with exemptions—religious
 11 or medical. Instead, all unvaccinated employees with exemptions were required to apply for a
 12 new position.

13 **D. Defendant Did Not Offer Plaintiffs Reasonable Accommodations**

14 60. The County's vaccination policy specifically outlined a process by which
 15 Plaintiffs and Class members could apply for a religious exemption, and with the exception of
 16 Plaintiff Dale Nelson, it granted those exemptions only to then subsequently refuse to honor them
 17 in practice. The County's vaccine policies and orders also failed to give way to Plaintiffs' need
 18 for accommodation. The County's purported accommodation of involuntary and indefinite unpaid
 19 leave was patently unreasonable, given that Plaintiffs were not subject to the vaccine orders and
 20 policies because the County granted them religious exemptions. Accommodating Plaintiffs and
 21 Class members could not pose an undue hardship when the policy itself expressly provided for
 22 religious exemptions. The County unilaterally determined that the only accommodation it could
 23 provide Plaintiffs was unpaid leave. Taking away a religious objector's livelihood for an
 24 indefinite period for refusing to consent to a vaccine that violates the objector's religious beliefs
 25 is not a reasonable accommodation. Had the County engaged in good-faith efforts to
 26 accommodate the Plaintiffs' religious beliefs, it would have discovered ample alternative means
 27 of accommodation beyond indefinite unpaid leave.

1 61. The County did not offer reasonable accommodations to Plaintiffs such as weekly
 2 testing, teleworking, working a modified shift, or requiring them to wear N95 masks. Nor did the
 3 County engage in an interactive process with Plaintiffs to identify any alternative accommodation.

4 62. Instead, Plaintiffs were placed on indefinite, involuntary and unpaid administrative
 5 leave. Plaintiffs were permitted to exhaust their leave banks such as their already-earned vacation
 6 and comp time, and, after that, their leave was completely unpaid. Once their leave bank time ran
 7 out, they were also deprived of other benefits of employment, including, but not limited to,
 8 medical insurance, the accrual of CalPERS credits which determine their retirement benefits, the
 9 accrual of service credits, the accrual of paid time off (PTO) such as vacation, sick and comp
 10 time, raises, promotions, and opportunities to work overtime.

11 **E. Defendant Cannot Demonstrate It Would Have Suffered Undue Hardship to**
 12 **Reasonably Accommodate Plaintiffs**

13 63. Pursuant to guidance promulgated by the EEOC, “A refusal to accommodate is
 14 justified only when an employer . . . can demonstrate that an undue hardship would in fact result
 15 from each available alternative method of accommodation.” 29 C.F.R. § 1605.2(c).

16 64. To establish that a particular accommodation would impose undue hardship, an
 17 employer must show that the burden of granting an accommodation would result in substantial
 18 increased costs in relation to the conduct of its particular business. This requires courts to take
 19 into account all relevant factors in the case at hand, including the particular accommodations at
 20 issue and their practical impact in light of the nature, size and operating cost of an employer.

21 65. Where an employer determines a particular accommodation request would cause
 22 undue hardship, the employer must consider alternative accommodation options.

23 66. Additionally, the EEOC instructs that the County was required to “offer the
 24 alternative which least disadvantages the individual with respect to his or her employment
 25 opportunities.” 29 C.F.R. § 1605.2(c)(2)(ii).

26 67. Considering the County’s high vaccination rates in 2021 and 2022, there was no
 27 justification for the County to exclude Plaintiffs from the workplace. When the vaccination
 28

1 mandate was implemented, 81.7% of County residents were vaccinated. Employees with religious
 2 exemptions working in high-risk jobs made up just 2 percent of the County's overall workforce.

3 68. Moreover, both state and federal mandates, which were purportedly based on the
 4 same scientific consensus, expressly allowed for religious accommodation, even in high-risk
 5 settings.

6 69. Masking and social distancing are effective at limiting the spread of COVID-19,
 7 and these types of accommodations incur de minimis cost to the County.

8 70. Notably, prior to the vaccine mandate and throughout the height of the COVID-19
 9 pandemic, the County permitted all employees to mask and test. At all relevant times following
 10 the vaccination mandate, the County permitted religiously exempt employees in low- and
 11 intermediate-risk settings to wear masks and test for COVID-19 but precluded Plaintiffs from the
 12 same opportunity.

13 71. The County's orders concerning exempt employees in high-risk settings were
 14 stricter than State guidance and other counties' practices, both of which permitted exempt
 15 employees to continue working in high-risk settings if the employees remained in compliance
 16 with masking and testing requirements. Furthermore, rules promulgated by the federal
 17 government requiring medical facilities to ensure their staff were vaccinated also allowed for
 18 religious exemptions. Moreover, other hospitals and jails in the State exempted workers with
 19 religious objections to the vaccine from their vaccination mandates

20 72. Ironically, it is the County's implementation of its vaccination policy that resulted
 21 in hardship to the County's operations, as County hospitals and jail facilities suffered critical
 22 staffing shortages due to the vaccination mandate. The significant programmatic risks and costs
 23 associated with placing exempt employees on leave, rather than accommodating them with
 24 masking and testing, undermine any claims that such accommodation would have created undue
 25 hardship.

26 73. Moreover, the County allowed some unvaccinated and/or non-boosted employees
 27 in high-risk settings to work (including within six feet of others), such as correctional deputies.
 28 The correctional deputies worked in a COVID-19 unit where they were exposed to around seventy

inmates infected with COVID-19. The County cannot demonstrate it would have suffered undue hardship by reasonably accommodating Plaintiffs when it allowed other unvaccinated employees who worked in high-risk jobs to continue working.

74. The County's failure to accommodate is particularly unreasonable from the period of March 7, 2022, to September 27, 2022. On March 7, 2022, the County Public Health Department amended its order to permit unvaccinated employees working within the County of Santa Clara with exemptions from the vaccination requirements to return to work, even if they worked in high-risk settings, so long as they complied with certain masking and testing requirements. Despite this order, the County did not change its policy to permit its own unvaccinated, exempt employees to return to work. By this time, unvaccinated personnel in high-risk jobs constituted only 0.6% of the County's workforce, and 90.5% of County residents ages 5 and up were vaccinated.

V. PLAINTIFFS' CLAIMS ARE TIMELY

75. On August 23, 2022, a class action complaint was filed in this Court in *UnifySCC v. Cody*, No. 5:22-cv-01019-BLF. On April 29, 2024, the Court certified a class in that action defined as:

All individuals who: 1) work or worked for the County and/or [] were subject to its vaccine policies and orders, including the Risk Tier System; 2) were forced by the County to choose between taking the vaccine to maintain their jobs and/or their employment-related benefits or being placed on unpaid leave; 3) were [] classified as working in high risk jobs pursuant to the County’s Risk Tier System; and 4) received [] a religious exemption from the County (the “Class”) between August 5, 2021 and September 27, 2022 (the “Class Period”).

Plaintiffs' complaint is timely because Plaintiffs were all members of that Class until the Court decertified the Class on May 21, 2025, and the pendency of the class action tolled the applicable statute of limitations from August 23, 2022 to May 21, 2025.

76. Plaintiffs' complaint is also timely because Plaintiffs were members of UnifySCC. UnifySCC received its EEOC right-to-sue letter on behalf of its members on January 10, 2022.

See Exhibit F.

77. Plaintiffs' complaint is also timely because Plaintiffs filed administrative charges with the EEOC and/or CRD within three hundred days from the last act of discrimination and distinct adverse employment actions. *See* 42 U.S.C. § 2000e-5(e)(1); *see also* *Nat'l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 109 (2002) ("In a State that has an entity with the authority to grant or seek relief with respect to the alleged unlawful practice, an employee who initially files a grievance with that agency must file the charge with the EEOC within 300 days of the employment practice").

VI. CAUSES OF ACTION

FIRST CAUSE OF ACTION

Violation of the Free Exercise Clause of the First Amendment to the United States Constitution, 42 U.S.C. § 1983

78. Plaintiffs re-allege and incorporate by reference the allegations in the preceding paragraphs as if fully set forth herein.

79. The First Amendment's Free Exercise Clause provides that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

80. Defendant's vaccine orders and policies were not neutral and generally applicable because, prior to Court intervention, Defendant prioritized medical exemptions over religious exemptions. Defendant's policies and practices cannot survive strict scrutiny.

81. Defendants' implementation of the accommodation process that favored individuals with exemptions based on disability or medical reasons over those with exemptions based on religion was not neutral and generally applicable, effectively disfavoring certain exempted employees based on religion and failing strict scrutiny.

82. Defendants' vaccine orders and policies fail strict scrutiny because they are not narrowly tailored to meet any compelling government interest.

83. As a direct and proximate result of Defendant's violation of the First Amendment, Plaintiffs have suffered, and continue to suffer, irreparable harm, emotional harm, loss of wages and benefits, including the loss of their fundamental constitutional rights. Plaintiffs are entitled to nominal damages, equitable and injunctive relief, compensatory damages in an amount to be proven at trial, and attorneys' fees under 42 U.S.C. § 1988.

SECOND CAUSE OF ACTION
Violation of Title VII, 42 U.S.C. § 2000e, *et seq.*

1 84. Plaintiffs re-allege and incorporate by reference the allegations in the preceding
 2 paragraphs as if fully set forth herein.

3 85. Title VII of the Civil Rights Act of 1964 prohibits Defendant from discriminating
 4 against its employees because of their sincerely held religious beliefs. *See* 42 U.S.C.
 5 § 2000e-2(a).

6 86. At all relevant times, Title VII was in full force and effect and was binding on
 7 Defendant.

8 87. At all relevant times, Plaintiffs were performing competently in their jobs as
 9 Defendant's employees.

10 88. During the relevant time period the County required its employees to be vaccinated
 11 against COVID-19.

12 89. Plaintiffs hold bona fide religious beliefs that prevent them from becoming
 13 vaccinated with COVID-19 vaccine and boosters.

14 90. Plaintiffs asserted the existence of sincere religious beliefs that prevented them
 15 from becoming vaccinated with the COVID-19 vaccines and boosters and informed the County
 16 of their beliefs when they submitted their religious exemption requests. With the exception of
 17 Plaintiff Dale Nelson, the County granted Plaintiffs the requested exemptions.

18 91. The County took adverse employment action against Plaintiffs for failing to
 19 comply with the County's vaccination requirement by threatening to place them and/or actually
 20 placing them on indefinite, involuntary and unpaid administrative leave and stripping them of
 21 their employment benefits including, but not limited to, medical insurance, the accrual of
 22 CalPERS credits, the accrual of service credits, the accrual of paid time off (PTO) such as
 23 vacation, sick and comp time, raises, promotions, and opportunities to work overtime. To the
 24 extent Plaintiffs were permitted to use, and did use, leave bank time for part of the time they were
 25 on administrative leave, Plaintiffs had already earned and accrued that time, such as vacation and
 26 comp time, and, therefore, their leave was not paid. But for the County placing Plaintiffs on
 27
 28

1 administrative leave, Plaintiffs would have used their leave bank time for other purposes and/or
2 received compensation or CalPERS credits for their unused leave bank time.

3 92. Some of the Plaintiffs were also forced to retire sooner than they would have
4 otherwise retired due to the financial strain they experienced from the County placing them on
5 administrative leave without pay for an indefinite period of time and, as a result, their retirement
6 benefits are materially less than they otherwise would have been.

7 93. Defendant failed to make good faith efforts to accommodate reasonably Plaintiffs'
8 religious beliefs. The County failed to engage in interactive processes with Plaintiffs to determine
9 if reasonable accommodation was available such as transfers or reassignments, testing, requiring
10 them to wear masks, or allowing them to work remotely. Defendant cannot demonstrate that
11 providing these accommodations to Plaintiffs would have imposed an undue burden on the
12 County.

13 94. As a direct and proximate result of Defendant's violation of Title VII, Plaintiffs
14 suffered emotional distress and the loss of employment and/or employment benefits, entitling
15 them to equitable and injunctive relief and damages.

16 95. Plaintiffs are entitled to recover their costs and attorneys' fees under 42 U.S.C.
17 § 2000e-5(k).

THIRD CAUSE OF ACTION

Violation of California's Fair Employment and Housing Act, Cal. Gov't Code § 12940

20 96. Plaintiffs re-allege and incorporate by reference the allegations in the preceding
21 paragraphs as if fully set forth herein.

22 97. FEHA makes it unlawful “[f]or an employer, because of the . . . religious creed . . .
23 . of any person, to refuse to hire or employ the person or to refuse to select the person for a training
24 program leading to employment, or to bar or to discharge the person from employment or from a
25 training program leading to employment, or to discriminate against the person in compensation
26 or in terms, conditions, or privileges of employment.” CAL. GOV’T CODE § 12940(a).

27 98. At all times, FEHA was in full force and effect and was binding on Defendant.

99. FEHA requires employers to reasonably accommodate an employee's religious beliefs and practices that conflict with a work requirement.

100. Defendants have discriminated against Plaintiffs on the basis of their sincerely-held religious beliefs.

101. Accommodating Plaintiffs did not pose a significant difficulty or expense to Defendant under California Government Code § 12926(u).

102. Defendant failed to engage in reasonable negotiations to determine if it could reasonably accommodate Plaintiffs, such as through transfers or reassignments, remote work, bi-weekly testing, or requiring them to wear masks. Defendant cannot demonstrate that providing these accommodations would have imposed an undue burden.

103. As a direct and proximate result of Defendant's violation of FEHA, Plaintiffs suffered emotional distress and loss of employment and/or employment benefits, entitling them to equitable and injunctive relief and damages.

104. Plaintiffs are entitled to recover their costs and attorneys' fees under California
Government Code § 12965(c)(6).

FOURTH CAUSE OF ACTION
Deprivation of Civil Rights Under 42 U.S.C. § 1983 (*Monell*)

105. Plaintiffs re-allege and incorporate by reference the allegations in the preceding paragraphs as if fully set forth herein.

106. The unlawful actions carried out by Defendant, as alleged in the First through Third Causes of Action, were carried out by individuals who sit at the top of their departments within the County and who qualify as final policymakers under *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

107. Furthermore, the County's orders and policies, although distributed and enforced by County Counsel James Williams and County Executive Jeffrey Smith, were ratified by Dr. Sara Cody. Other departments within the County, such as the EOD, were directed by Defendant to prioritize medical exemptions over religious exemptions. Therefore, the County is liable for damages due to its executives' unlawful actions.

108. Plaintiffs are entitled to recover their costs and attorneys' fees under 42 U.S.C.
 2 § 1988.

3 **VII. PRAYER FOR RELIEF**

4 **WHEREFORE**, Plaintiffs request that the Court enter judgment in their favor, and
 5 against Defendant, for full relief, including the following:

- 6 1. An award of nominal damages for violation of Plaintiffs' civil rights;
- 7 2. An award for actual, consequential, and incidental financial losses, including, but not
 limited to, lost back pay, front pay, benefits, lost overtime, and other compensation,
 plus interest in an amount to be proven at trial;
- 8 3. An award of compensatory damages including for emotional distress;
- 9 4. For equitable relief in the form of an order restoring employee benefits, including, but
 not limited to, vacation days, comp hours, lost service time hours, CalPERS credits,
 pension benefits, and insurance;
- 10 5. For costs, attorneys' fees and interest, as allowed by law; and
- 11 6. For such other relief the Court determines is proper.

12 **VIII. DEMAND FOR JURY TRIAL**

13 Plaintiffs demand a trial by jury for all the claims asserted in this Complaint so triable.

14 DATED: November 21, 2025

15 **WOLF HALDENSTEIN ADLER
 16 FREEMAN & HERZ LLP**

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