

## **MKE Wins Pair of U.S. Court of Appeals for 7<sup>th</sup> Circuit Decision Against Aspirus Hospital**

On July 29, 2024, Mohrman, Kaardal & Erickson, PA, won a pair of appellate victories against Aspirus Hospital in the U.S. Court of Appeals for the Seventh Circuit. In the first case, *Bube v. Aspirus Hospital*, former hospital employees brought suit against hospital under Title VII, alleging religious discrimination based on hospital's refusal to exempt them from its COVID-19 vaccination requirement. The U.S. Court of Appeals for the Seventh Circuit reversed the district court's dismissal and remanded for further proceedings. The Court held: (1) at the pleading stage of a Title VII suit based on an employee's allegation that an employer's failure to exempt the employee from a vaccination requirement amounts to religious discrimination, the controlling inquiry is whether the employee plausibly based their vaccination-exemption request at least in part on an aspect of their religious belief or practice, and (2) employees sufficiently pleaded that their requests for an exemption from hospital's vaccine mandate were based at least in part on an aspect of their religious belief or practice, as required for them to state claims under Title VII for failure to accommodate their religious beliefs. In the second case, *Passarella v. Aspirus, Inc.*, Christian former employees brought action against employer, alleging religious discrimination under Title VII after they were fired following denial of exemption from COVID-19 vaccination requirement. The U.S. Court of Appeals for the Seventh Circuit reversed the district court's dismissal and remanded for further proceedings. The Court held that employees sufficiently alleged that they sought exemptions from employer's COVID-19 vaccine mandate based on some aspect of their religious belief or observance, so as to state claim for religious discrimination under Title VII.

MKE attorney Greg Erickson comments, "Our Wisconsin clients won substantial court victories in the Seventh Circuit. The Seventh Circuit reversed dismissal of their claims. Now, we are pursuing their remedies in the district court."