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13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF WASHINGTON**

15 DAVID G. DONOVAN, et al.,)
16)
17 Plaintiffs,)

CASE NO. 4:21-cv-5148-TOR

18 v.)

SECOND AMENDED

COMPLAINT FOR

INJUNCTIVE AND

DECLARATORY RELIEF

AND DAMAGES

19 JOSEPH R. BIDEN, in his official)
20 capacity as President of the United)
21 States of America, JENNIFER)
22 GRANHOLM, in her official capacity)
23 as Secretary of the UNITED STATES)
24 DEPARTMENT OF ENERGY,)
25 BRIAN VANCE in his official capacity)
as Manager of the UNITED STATES)
DEPARTMENT OF ENERGY Hanford)
Site,)
Defendants.)

JURY DEMANDED

INTRODUCTION

1. Executive Order 14042, as related to federal contractor workforce, has been

1 enjoined under a nationwide injunction. See *Georgia, et al., v. Joseph R. Biden, et al.*,
2 (S.D. Ga. Nov. 30, 2021), hereinafter *Georgia v. Biden*.

3 2. The 11th Circuit Court of Appeals has continued the injunction issued in
4 *Georgia v. Biden* in place, pending briefing, argument and disposition by that Circuit
5 Court.
6

7 3. This action seeks an Order from this Court, declaring that Executive Order
8 14042 exceeds President Joseph R. Biden’s authority under FPASA and simultaneously
9 seeks an order enjoining Defendants Granholm and Vance from enforcing Executive
10 Order 14042, as related to each Defendant’s respective workforce, while Executive
11 Order 14042 remains enjoined by *Georgia v. Biden*, the 11th Circuit Court of Appeals
12 or any other court of competent jurisdiction.
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15 4. This action also seeks an order from this Court, declaring that Executive Order
16 14043 exceeds President Joseph R. Biden’s authority and seeks to enjoin Defendant
17 Vance from enforcement of Executive Order 14043 against the federal workforce
18 employed at the United States Department of Energy’s (“DOE”) Hanford Site.
19

20 5. The Supreme Court of the United States of America stated last week, “[a]
21 vaccination, after all, ‘cannot be undone at the end of the workday.’” *National*
22 *Federation of Independent Business, et al., v. Department of Labor, Occupation Safety*
23 *and Health Administration, et al.*, 595 U.S. ____ (2022) (*per curiam*) (slip op., at 7) citing
24 *In re MCP No. 165*, 20 F. 4th, at 274 (Sutton, C. J., dissenting) granting a Stay on the
25

1 implementation of the Occupational Health and Safety Administration’s Emergency
2 Temporary Standard, 86 Fed. Reg. 61402 (requiring COVID-19 vaccination for
3 employees of employers with 100 employees or more).

4
5 6. The opinion of the Supreme Court further stated: “We expect Congress to
6 speak clearly when authorizing an agency to exercise powers of vast economic and
7 political significance.” *Id.* at 7 citing *Alabama Assn. of Realtors v. Department of*
8 *Health and Human Servs.*, 594 U. S. ___, ___ (2021) (*per curiam*) (slip op., at 6)
9 (internal quotation marks omitted).
10

11 7. The opinion of the Supreme Court further stated: “The question before us is
12 not how to respond to the pandemic, but who holds the power to do so. The answer is
13 clear: Under the law as it stands today, that power rests with the States and Congress,
14 not OSHA.” *Id.*, Gorsuch Concurring at 6-7.
15

16 8. Plaintiffs, workers at the Hanford Site, (collectively “Employees”) come to this
17 Court seeking relief regarding their imminent and wrongful termination, and the
18 coercion imposed by Executive Order 14042 and/or Executive Order 14043.
19

20 9. The Hanford Site will have insufficient workers, including Hanford Guards and
21 other employees required to maintain a minimum safe (“min safe”) work environment
22 at the Hanford Site if the provisions of Executive Order 14042 and/or Executive Order
23 14043, are enforced. The Defendants are on notice of this imminent and dangerous
24 circumstance.
25

1 10. Plaintiffs seek emergency relief, challenging the validity and enforceability of
2 Executive Order 14042 and Executive Order 14043 (the “Executive Orders”) on the
3 grounds that each is constitutionally or otherwise legally defective. Plaintiff’s claim that
4 the Executive Orders are defective on their face and are separately and independently
5 defective as applied.
6

7 **VENUE AND JURISDICTION**

8 11. This Court has jurisdiction pursuant to 28 USC §§ 1331 & 1343.
9

10 12. Venue is proper in this Court where the Defendants reside in and/or act in their
11 official capacities in the Eastern District of Washington pursuant to 28 USC § 1391.
12 Each factor is located within this District as the United States Department of Energy
13 Hanford Site is located in the Eastern District.
14

15 **PARTIES**

16 ***Defendants***

17 13. Defendant, United States Secretary of Energy, Jennifer Granholm, is named in
18 her official capacity as the Secretary of Energy.
19

20 14. Defendant Brian Vance is the Manager of the United States Department of
21 Energy (“DOE”) Hanford Site (“Hanford Site”). Mr. Vance, as the DOE Manager of
22 the Hanford Site, has directed Hanford sitewide enforcement and implementation of
23 Executive Orders 14043 and 14042. Mr. Vance is being sued in his professional
24 capacity as DOE Hanford Site Manager for enforcement and implementation of
25

1 discriminatory workplace policies that will result in the termination of DOE employees
2 and federal contractor employees.

3 15. Defendant Joseph R. Biden is the President of the United States who issued
4 Executive Orders 14042 and 14043. Plaintiffs challenge the constitutionality
5 implementation and promulgation of Executive Orders 14042 and 14043 as-applied and
6 facially.
7

8 16. On January 13, 2022, DOE Headquarters sent out a DOECAST (an agencywide
9 message) titled *Delaying our Return to the Workplace*. (Exhibit A.) In that message,
10 signed by Tarak Shah, U.S. Department of Energy’s Chief of Staff, DOE noted that it
11 would commence enforcing its COVID-19 vaccination policy this week, as follows:
12

13 At the same time, we’re going to start our enforcement
14 procedures to ensure compliance with the mandatory
15 COVID-19 vaccination requirement, which we paused during
16 the holiday season. This week, we will proceed with the next
17 phase in progressive discipline for unvaccinated Federal
18 employees who haven’t applied for an exemption. The next
19 phase for these employees is a 14-calendar day unpaid
20 suspension. I urge these employees to get vaccinated or they
21 will continue in a disciplinary process where the final step is
22 removal from Federal service.

23 17. All DOE Plaintiffs have applied for the exemption; nonetheless, the statement
24 ties enforcement of seeking an exemption from becoming vaccinated to an urge “to get
25 vaccinated.” All DOE employees with an exemption, including the six DOE employee
26 Plaintiffs are at risk of imminent enforcement of DOE’s COVID-19 vaccination policy,

1 which will result in loss of wages, loss of job, and or loss of First Amendment rights.

2 ***Plaintiffs***

3 18. David G. Donovan is a security police officer and a K9 handler for Hanford
4 Patrol with HMIS and is the president of the Hanford Guards Union; he has submitted
5 a religious exemption, accepted by HMIS, but was provided no accommodation.
6

7 19. Christopher J. Hall is a security police officer III with HMIS; he submitted a
8 religious exemption, accepted by HMIS, but was provided no accommodation. Mr. Hall
9 has natural immunity as he has contracted COVID-19.
10

11 20. Stephen C. Persons is an accountant with DOE; he submitted both a religious
12 and medical exemption, accepted by DOE, but has received no communications from
13 DOE discussing approval of exemption and accommodation.
14

15 21. Thomas R. Ardamica is a safety bases compliance officer for WRPS, he
16 submitted a medical exemption and a religious exemption. Mr. Ardamica's medical
17 exemption was denied, but his religious exemption was accommodated, allowing him
18 to work from home but subjecting Mr. Ardamica to weekly COVID-19 testing
19 measures, masking restrictions while outside his dedicated telework location; these
20 requirements exceed the exemption provided in the OSHA standards.
21

22 22. Terri Adams is an office specialist with Bechtel; she submitted a religious
23 exemption, accepted by Bechtel, and received temporary accommodation which will be
24 reevaluated 60 days after 1/18/2022, or if new DOE direction is provided, whichever
25

1 comes first.

2 23. Jeff Ahlers is a transportation manager for CPCCo; he has submitted a religious
3 exemption, accepted by CPCCo, and received revised accommodations after originally
4 being denied accommodation. He is required to comply with CDC guidance for
5 masking and physical distancing and must submit a negative COVID-19 test within 72
6 hours of work each Monday before 12pm. Mr. Ahlers has a positive COVID-19
7 antibody test and is willing to adhere to social distance and mask-wearing requirements.
8

9 24. Cody Almquist is a senior health physics/radiological controls technician for
10 CPCCo; he submitted a religious exemption, accepted by CPCCo but has received no
11 accommodation despite his willingness to continue to follow COVID-19 safety
12 protocols and submit to weekly testing.
13

14 25. Douglas Anderson is employed with Bechtel (WTCC); he submitted a religious
15 exemption, accepted by Bechtel, but has received no accommodation.
16

17 26. Cyrus Anderson is a Systems Engineer for WRPS; he submitted a religious
18 exemption, accepted by WRPS, but was provided no accommodation. In November, he
19 attempted to file a complaint with the EEOC, but was unable to, due to being a federal
20 contractor. He then contacted his WRPS EOC representative as the EECO website
21 advised. He was denied the opportunity to receive help filing his complaint as the
22 representative stated they were focusing their efforts on exemption responses.
23

24 27. Jaryd Joseph Anderson is an Operations Engineer; he submitted both a religious
25

1 and medical exemption, however, only the religious was accepted. Mr. Anderson was
2 denied accommodation despite his willing

3 28. Kevin Arena is a security police officer I for HMIS, he has submitted a religious
4 exemption, accepted by HMIS, but was originally not provided an accommodation.
5

6 29. Miguel Arredondo is a security police officer with HMIS, he has submitted a
7 religious exemption, accepted by HMIS, but was originally not provided an
8 accommodation.
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10 30. Don Baker is a senior radiological control technician for CPCCo, he has
11 submitted a religious exemption, accepted by CPCCo, but was originally not provided
12 an accommodation despite his willingness to social distance, wear a mask and/or
13 regularly test. He is in the process of filing a complaint with the EEOC.
14

15 31. Dayna Coffey Ardamica is an administrator level II manager for WRPS, she
16 submitted a religious exemption, which WRPS approved and included continued
17 teleworking (which she has done successfully for 20 months) but required weekly
18 COVID-19 testing at her personal time and expense, which fails to recognize the OSHA
19 exemption for teleworkers.
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21 32. Kora Bales is a security police officer with HMIS.
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23 33. Tain Ballantyne is a security police officer III for HMIS, he has submitted a
24 religious exemption, accepted by HMIS, but was originally not provided an
25 accommodation.

1 34. Daniel Beam is a security police officer with HMIS; he submitted a religious
2 exemption, accepted by HMIS, but was provided no accommodation. Mr. Beam began
3 the interactive process seeking possible solutions to facilitate creating accommodation.
4 HMIS sent a revised, temporary 60-day accommodation, starting January 18, 2022, that
5 requires the following conditions: 1) wear a mask at all times, except when eating,
6 drinking or allowed; 2) social distance and isolate to the maximum extent practical; 3)
7 submit weekly negative COVID-19 test results, no greater than 72-hours, to manager
8 upon start of shift. Testing must be conducted during Mr. Beam's personal time and at
9 his expense. HMIS will re-evaluate the temporary accommodation as they see fit to
10 determine if it still applies to the employee. The stress and constant state of limbo that
11 these ever-changing accommodations are causing has created a propensity towards high
12 blood pressure that could potentially disqualify him from his duties.

16 35. Jess Bean is a worker at the Hanford Site and a laborer for the Local 348 at
17 American Electric, has submitted a religious exemption but was originally not provided
18 an accommodation.

20 36. Jared Betker is a security police officer III for HMIS, he has submitted a religious
21 exemption, accepted by HMIS, but was originally not provided an accommodation.

23 37. William Bingham was a senior project manager for WRPS; he submitted a
24 religious exemption, accepted by WRPS, but was initially provided no accommodation,
25 with a set termination date of 12/8/2021. Mr. Bingham received a revised temporary

1 accommodation offer in late November 2021 allowing for teleworking from home with
2 approved location from WRPS, requiring masking and social distancing when working
3 on site, weekly COVID-19 testing during his own time and with his own money. He
4 began the accommodation interactive process to seek approval for telework out of state,
5 as he was forced to sell his house, due to the 12/08/2021 termination date, and he
6 secured a home out of state. WRPS denied his request for telework out of state, forcing
7 Mr. Bingham into termination of employment.
8

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10 38. Luis Blanco is a security police officer II for HMIS, he has submitted a religious
11 exemption, accepted by HMIS, but was originally not provided an accommodation.

12 39. Leslie Blank is an operations support specialist/planning expeditor for WRPS.
13 She submitted a religious exemption, accepted by WRPS but was originally given no
14 accommodation. Ms. Blank received a revised, temporary accommodation that will be
15 re-evaluated on March 18, 2022.
16

17 40. Erik Bombard is a security police officer II/tactical response team member for
18 HMIS, he has submitted a religious exemption, accepted by HMIS, but was originally
19 not provided an accommodation.
20

21 41. James Booth is an engineering supervisor for Bechtel, he has submitted a
22 religious exemption, accepted by the city, and has been provided a temporary
23 teleworking accommodation through February 7, 2022. WTP then sent out a revised,
24 temporary teleworking accommodation with the following requirements: 1) HR
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1 approval is required in the event that Mr. Booth needs to come to the office; 2) a
2 negative COVID-19 test is required to be at the office; 3) when approved to come to the
3 office, Mr. Booth is expected to comply with all COVID-19 safety protocols outlined
4 in the most current version of the WTP COVID-19 Fact Sheet. Mr. Booth currently has
5 an EEOC Case No.: 551-2022-01724.
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7 42. Stephanie Boschert is a health physicist for WRPS, she has submitted a religious
8 exemption, accepted by WRPS, but was originally not provided an accommodation.
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10 43. Shanna Brittain is an operations specialist-ground scanner/land surveyor
11 assistant for CPCCo; she submitted a religious exemption, accepted by CPCCo, but was
12 not provided an accommodation despite her job requiring her to work mainly outdoors,
13 willingness to social distance, wear a mask and perform daily health screenings and/or
14 regular testing to work. She then received a revised, temporary accommodation until
15 March 19, 2022, allowing her to come to the workplace under conditions set forth by
16 CPCCo including adherence to CDC guidance for masking and physical distancing,
17 providing a minimum of one Covid-19 test each Monday and being able to fulfill
18 workplace requirements.
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21 44. Nathaniel Brook is an electrician with CPCCo; he submitted a religious
22 exemption, accepted by CPCCo, but was provided no accommodation. He also
23 submitted a medical exemption, signed by his doctor, based on a previous severe
24 reaction to a vaccine. He has not received response back from CPCCo regarding that
25

1 request.

2 45. Jeff Brooks is a Journeyman/Radiological Control Technician for CPCCo; he
3 submitted a religious exemption, accepted by CPCCo, but was provided no
4 accommodation despite his willingness to social distance, wear a mask and/or regularly
5 test. Mr. Brooks filed a complaint with the EEOC and is awaiting further
6 communication. Bryan Brophy is a Nuclear Chemical Operator for CPCCo; he
7 submitted a religious exemption, accepted by CPCCo, but was provided no
8 accommodation despite limited contact with coworkers, willingness to continue mask
9 wearing and following safety protocols. Mr. Brophy tested positive for COVID-19
10 antibodies on August 27, 2021. CPCCo offered a temporary, 60-day COVID-19
11 Vaccination Exemption Accommodation Revision that included the following
12 conditions: 1) compliance with CDC guidance for masking; 2) compliance with
13 published CDC guidance for physical distancing; 3) Mr. Brophy must provide a
14 minimum of one negative Covid-19 test each Monday before noon; 4) Mr. Brophy must
15 be able to fulfill applicable CPCCo workplace requirements. This accommodation
16 requires that all Covid-19 tests relating to the accommodation must be conducted during
17 Mr. Brophy's personal time and at his expense. The temporary accommodation ends
18 March 19, 2022, and is subject to re-evaluation at any time.

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24 46. Luke Bultena is a security police officer III for HMIS, he has not submitted an
25 exemption request.

1 47. I. C. is a security police officer II for HMIS, and has submitted a religious
2 exemption, accepted by HMIS, but was originally not provided an accommodation.

3 48. George Case is an operations specialist for Bechtel (WRPS) and submitted a
4 medical exemption, which was accepted by Bechtel (WRPS), but was originally not
5 provided an accommodation.
6

7 49. Rene Catlow is a Risk Management Manager at CPCCo who initially sought a
8 medical exemption, but her provider would not affirm, so she submitted a religious
9 exemption, which was accepted by CPCCo, and she was offered: 100% telework,
10 requiring that she not enter Hanford facilities; weekly Covid-19 testing at her own
11 expense and on her own time.
12

13 50. Benjamin Chavez is a planner for TerraGraphics. Prior to November 18, 2021, Mr.
14 Chavez was a planning and scheduling manager for TerraGraphics. Mr. Chavez tested
15 positive for COVID-19 on August 20, 2021 and was out of work due to COVID-19
16 from August 19, 2021 through November 15, 2021. On September 17, 2021, Mr.
17 Chavez was diagnosed with COVID-pneumonia and had a chest x-ray, which showed
18 what appeared as “shards of glass” in his lungs; Mr. Chavez was prescribed steroids to
19 combat the COVID-pneumonia. On September 21, 2021, Mr. Chavez was diagnosed
20 with hemoptysis (blood in his sputum), and on September 28, 2021, noticed that his
21 lungs were filling with fluid. Mr. Chavez was subsequently prescribed a second round
22 of “stronger” antibiotics. On October 4, 2021, Mr. Chavez revisited his doctor, who
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24
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1 ordered a CT scan, which was reviewed on October 7, 2021. The CT scan revealed that
2 a 2-inch cavity in Mr. Chavez's lung, which was confirmed by a visit to a pulmonologist
3 on October 12, 2021, where Mr. Chavez was prescribed a fourth round of antibiotics.
4 Mr. Chavez returned to my primary care doctor on November 2, 2021, to discuss his
5 condition. At that time, Mr. Chavez's doctor advised him against the COVID-19
6 vaccination, although the doctor was unable to provide a medical exemption as Kadlec
7 (the doctor's employer) will only allow doctors to provide COVID-19 vaccination
8 exemptions for anaphylaxis. Throughout most of this time, Mr. Chavez was primarily
9 bedridden due to his COVID-19 symptoms. On November 2, 2021, Mr. Chavez
10 submitted a religious and a medical exemption, and TerraGraphics conclude that it
11 could not accommodate Mr. Chavez's request. Mr. Chavez returned to the office on
12 November 15, 2021 and was advised of his change in title/scope of work as of
13 November 18, 2021. On December 14, 2021, Mr. Chavez's management advised that
14 TerraGraphics would like him to rejoin management, although noting specific was
15 offered. In December 2021, TerraGraphics offered Mr. Chavez a medical exemption
16 from the COVID-19 vaccination on the condition that he commit to the vaccine as soon
17 as his health allows. Mr. Chavez has telecommuted since early 2020, when
18 TerraGraphics issued a work-from-home order.

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24 51. Nick Chacon is a security police officer with HMIS, he has submitted a religious
25 exemption, accepted by HMIS, but was originally not provided an accommodation.

1 52. Mary Catherine Christianson is a senior engineer for Bechtel, she has submitted
2 a religious exemption, accepted by Bechtel, she has teleworked since March 2020, and
3 her accommodation is continued telework with mandatory COVID-19 testing until
4 February 2021, exceeding the OSHA standards.
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6 53. James T. Clark is an employee with WRPS; he submitted both a religious and
7 medical exemption due to a history of blood clots. Both were denied and he was not
8 provided accommodation.
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10 54. Justin Clancy is a nuclear chemical officer with WRPS who had a severe adverse
11 reaction to prior vaccines and submitted a medical exemption and has been advised by
12 his doctor to not take the second shot, he has been provided no accommodation.
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14 55. Todd Jacob Clark is a sheet metal worker for HMIS, he has sought a religious
15 accommodation and offered to pay for testing, but he has been provided no
16 accommodation.
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18 56. Margaret Clark is a project support specialist for CPCCo, she has submitted a
19 religious exemption, accepted by CPCCo, but was originally not provided an
20 accommodation.
21

22 57. Becky Colborn is an operations specialist for HMIS and submitted religious
23 exemption accepted by HMIS but was originally not provided an accommodation.
24

25 58. David Cole is a senior work planner for WRPS, he has submitted a religious
exemption, accepted by WRPS, but was originally not provided an accommodation. Mr.

1 Cole started an EEOC Inquiry and was assigned number: 551-2022-00993. Mr. Cole
2 was scheduled for a telephone interview on December 23, 2021, with Sandra McCreery.
3 He is awaiting further communication.

4
5 59. Mary Cole is an operations support specialist for CPCCo, she has submitted a
6 religious exemption, accepted by CPCCo, but was originally not provided an
7 accommodation. Mrs. Cole then received a revised temporary accommodation
8 including weekly testing, without further guidance on what that testing will entail.
9 CPCCo, despite giving full guidance and criteria for weekly testing, expected Mrs. Cole
10 to inform them of her decision to accept or reject the revised, temporary accommodation
11 no later than 12/7/2021.
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14 60. Dodd Coutts is a security police officer III with HMIS, he has submitted a
15 religious exemption, accepted by HMIS, but was originally not provided an
16 accommodation.
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19 61. James Cuevas is a security police officer I with HMIS, he has submitted a
20 religious exemption, accepted by HMIS, but was originally not provided an
21 accommodation.
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24 62. DawnLeigh Curtis is a nuclear chemical operator for WRPS, she has submitted
25 a religious exemption, accepted by WRPS, but was originally not provided an
accommodation. Ms. Curtis can provide proof of a positive COVID-19 antibody test.

63. Kelly Custer is a senior internal auditor for CPCCo, she has submitted a religious

1 exemption, accepted by CPCCo, and was provided the following temporary
2 accommodation on October 26, 2021: 1) designate a telework location, determined to
3 be her home (where she has teleworked since March 2020); 2) Ms. Custer wear a mask
4 when leaving her approved telework location during teleworking hours (not a prior
5 requirement to the past 18+ months of Ms. Custer’s telework situation); 3) Ms. Custer
6 submit weekly COVID-19 testing submitted every Monday by 12 PM at her own cost
7 and on non-working hours (i.e., her own time); and 4) she be readily available to submit
8 to random drug testing or other workplace requirements, as needed. On October 28,
9 2021, Ms. Custer was advised that she cannot return to the Hanford Site unless she
10 becomes fully vaccinated against COVID-19.
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13 64. D. N. is a firefighter captain/EMT with HMIS; he has submitted a religious
14 exemption, accepted by HMIS, but was originally not provided an accommodation.
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16 65. Lane Dahl is an IT technician with PNNL; he submitted a request for religious
17 exemption, denied by PNNL, and was provided no accommodation. Mr. Dahl appealed
18 the denial through an interactive process with employee relations and April Castaneda
19 and was denied a second time. PNNL has involuntarily placed Mr. Dahl on
20 administrative leave without pay, extended through April 15, 2022.
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23 66. Jeffrey Daniels is a project controls officer with the United States Department of
24 Energy (“DOE”), he has submitted a religious exemption, accepted by DOE, but was
25 originally not provided an accommodation.

1 67. Jamie Davies worked for PNNL as a dosimetry technician; she submitted a
2 religious exemption, accepted by PNNL, and was provided no accommodation despite
3 having been successfully and safely teleworking since March 2020 with occasional
4 onsite visits. The religious exemption was denied by PNNL stating, “we have been
5 unable to conclude that you meet the legal requirements for an exemption.” Ms. Davies
6 was offered to 1) continue to work through 11/15/2021, or 2) take paid leave through
7 11/15/2021, or 3) take a personal leave of absence for up to one year, if eligible. Ms.
8 Davies appealed the accommodation denial received from PNNL. This appeal was also
9 denied, and Ms. Davies requested the metrics by which the legal threshold was
10 established and who established them for a religious exemption. Her questions were
11 never answered; instead, Ms. Davies was involuntarily placed on Leave of Absence
12 without pay, 12/8/2021 extended through 1/18/2022. Her benefits such as medical,
13 vision and dental insurance have all stopped as of 12/31/2021. Davies was placed on
14 Administrative Leave Without Pay on December 8, 2021, cashed out her remaining
15 vacation, and is no longer employed by PNNL due to her religious objection to the
16 COVID-19 vaccine mandate. Ms. Davies has filed a complaint with the EEOC and has
17 been issued Case No.: 551-2022-01543.
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23 68. Scott Dawson is an industrial hygiene technician with WRPS; he has submitted
24 a religious exemption, accepted by WRPS, but was originally not provided an
25 accommodation.

1 69. Mary Day is a technical editor for CPCCo; she submitted a religious exemption,
2 accepted by CPCCo, and was offered a temporary accommodation that included
3 teleworking, mask wearing, weekly COVID-19 testing due before noon each Monday,
4 and being able to fulfill applicable CPCCo workplace requirements.
5

6 70. Briana DeLine is a security police officer I with HMIS, she received both
7 COVID-19 shots in April 2021. She had complications with the shots and her PCP
8 stated that she should not have gotten them and that she is not to receive any future
9 booster shots. Ms. DeLine submitted a medical exemption request from future booster
10 shots requirements. HMIS informed Ms. DeLine that no prospective exemptions would
11 be offered at this time, as boosters are not a required condition of employment and
12 therefore do not need to be accommodated/exempted.
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15 71. Darryn DeLine is an industrial hygiene technician for WRPS, he has submitted
16 a religious exemption, accepted by WRPS, but was originally not provided an
17 accommodation.
18

19 72. James Dewey is a worker on the Hanford Site; he submitted for exemption and
20 was not provided accommodation.

21 73. Drew Diedrich is an industrial hygiene technician for WRPS, he has submitted
22 an initial declination of the COVID-19 vaccine on October 19, 2021, and then submitted
23 a religious exemption on October 20, 2021, under duress. On October 27, 2021, WRPS
24 accepted Mr. Diedrich's religious accommodation and rejected his exemption. On
25

1 November 30, 2021, WRPS provided a conditional, 60-day accommodation, effective
2 January 18, 2022, exempting him from the COVID-19 vaccine mandate under the
3 following conditions: (1) Compliance with published CDC masking and physical
4 distancing guidance; (2) Furnishing WRPS with a minimum of one negative Covid-19
5 test each Monday before noon; and (3) Continued ability to fulfill applicable WRPS
6 workplace requirements. On December 1, 2021, Mr. Diedrich inquired of the
7 conditions, and on December 7, 2021, Mr. Diedrich accepted the accommodation. but
8 was originally not provided an.
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11 74. Gregg Dillingham is a Lead Health Physics Technician with WRPS; he
12 submitted a religious exemption, accepted by WRPS, but was provided no
13 accommodation.
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15 75. Todd Dirks is a pipe fitter for WRPS; he submitted a request for religious
16 exemption, accepted by WRPS, but was provided no accommodation. On November
17 3, 2021, Mr. Dirks filed a complaint with the Office of Federal Contract Compliance
18 Programs, noting his belief that he was subjected to discriminatory behavior associated
19 with the COVID-19 vaccine mandate; that same day, Mr. Dirks filed a complaint with
20 the EEOC and was granted Case No.: 551-2022-01540.
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23 76. John Doell is a security police officer I with HMIS, he has submitted a religious
24 exemption, accepted by HMIS, but was originally not provided an accommodation.
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77. Jake Domit is a security police officer III with HMIS, he has submitted a

1 religious exemption, accepted by HMIS, but was originally not provided an
2 accommodation.

3 78. Steve Donaldson is a firefighter/EMT with HMIS, he has submitted a religious
4 exemption, accepted, and HMIS provided accommodations, including COVID-19
5 testing and mask-wearing, but those accommodations have since been rescinded, and
6 Mr. Donaldson is left with the option of receiving the COVID-19 vaccination or
7 termination.
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10 79. Kathryn Draper is an environmental specialist for WRPS, she has submitted a
11 religious exemption, accepted by WRPS, but was originally not provided an
12 accommodation. Ms. Draper tested positive for COVID-19 on August 2, 2021.

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14 80. Eric Dysland is a technical specialist; he submitted both a religious and medical
15 exemption. His medical exemption was denied; however, his religious exemption was
16 accepted, and he was provided temporary accommodations of teleworking and testing
17 at his own time and expense.
18

19 81. Mike Eddy is an IT specialist with DOE, he has submitted a religious exemption,
20 accepted by DOE, but was originally not provided an accommodation.

21 82. Alexandria Edwards is an insulator with CPCCo she has submitted a religious
22 exemption, accepted by CPCCo, but was originally not provided an accommodation.
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24 83. Mary Ruth Edwards is an operations support specialist with CPCCo, she has
25 submitted a religious exemption, accepted by CPCCo, was provided no

1 accommodation. Ms. Edwards filed a complaint with the EEOC, was issued Case No.:
2 551-2022-00911 on October 27, 2021, and is awaiting an available appointment to
3 conduct her interview.

4 84. Luke Ellis is a pipefitter with HMIS, he has submitted a religious exemption,
5 accepted by HMIS, but was originally not provided an accommodation.
6

7 85. Jesse Elvik is a security police officer I with HMIS, he has submitted a religious
8 exemption, accepted by HMIS, but was originally not provided an accommodation.
9

10 86. Zachery Eslick is a security police officer II for HMIS, he has submitted a
11 religious exemption, accepted by HMIS, but was originally not provided an
12 accommodation.

13 87. Eric Espinoza is a security police officer with HMIS, he has submitted a religious
14 exemption, accepted by HMIS, but was originally not provided an accommodation.
15

16 88. Cheryl Evosevich is an emergency preparedness coordinator for CPCCo, she
17 submitted a religious exemption from the COVID-19 vaccine on October 11, 2021,
18 which was accepted by CPCCo. On October 26, 2021, CPCCo accepted Mrs.
19 Evosevich's request, but offered no accommodation. On October 28, 2021, CPCCo
20 offered clarification that it did not object to Mrs. Evosevich's religious component but
21 maintained that it would not offer the requested exemption. Mrs. Evosevich filed an
22 EEOC complaint on November 7, 2021; Mrs. Evosevich is awaiting an appointment
23 and a Case Number. On November 30, 2021, CPCCO offered a temporary 60-day
24
25

1 accommodation effective January 18, 2022 under the following conditions: (1)
2 Compliance with published CDC masking and physical distancing guidance; (2)
3 Providing CPCCo with a minimum of one negative Covid-19 test each Monday before
4 noon; and (3) Continued ability to fulfill applicable CPCCo workplace requirements
5 (e.g. availability for random drug screening).
6

7 89. Adam Faries is a security police officer III with HMIS, he has submitted a
8 religious exemption, accepted by HMIS, but was originally not provided an
9 accommodation.
10

11 90. Marcus Faries is a mechanical engineer with WRPS, he has submitted a religious
12 exemption, accepted by WRPS, but was originally not provided an accommodation.
13

14 91. Robyn Faris is an officer manager with Columbia Energy, a subcontractor to
15 WRPS. On October 26, 2021, Columbia Energy transmitted an email that all Columbia
16 Energy employees would be required to become fully vaccinated against COVID-19
17 pursuant to Executive Order 14042. Ms. Faris submitted a religious and medical
18 exemption, which accepted by Columbia Energy, but she was provided no
19 accommodation. Ms. Faris' religious exemption included a signed letter from her
20 pastor, and her medical exemption noted her doctor's concern with the COVID-19 shot
21 due to a blood clotting disorder, where Ms. Faris' blood does not clot. Ms. Faris' doctor
22 did not provide a medical exemption for fear of losing her license. December 10, 2021,
23 Ms. Faris was offered a conditional accommodation based on the following conditions:
24
25

1 (1) mask wearing, social distancing and continued safety protocols (good hygiene); and
2 (2) weekly COVID-19 testing at her expense. Ms. Faris accepted this conditional
3 exemption under duress.

4 92. Thomas Farris a security police officer I with HMIS, he has submitted a religious
5 exemption, accepted by HMIS, but was originally not provided an accommodation.
6

7 93. Jennifer Fish is a shift operations manager, building emergency director, and
8 fieldwork supervisor for CPCCo, she has submitted a religious exemption, accepted by
9 CPCCo, but was originally not provided an accommodation.
10

11 94. John Flanagan is an electrician for HMIS; he submitted for religious exemption,
12 accepted by HMIS, but was originally given no accommodation. He then received a
13 revised, temporary accommodation allowing for weekly COVID-19 testing, mask
14 wearing, social distancing and isolation to the maximum extent practical. These
15 temporary accommodations have an unknown end-date.
16

17 95. Randy Fox is a stationary operating engineer with CPCCo, he has submitted a
18 religious exemption, accepted by CPCCo, but was originally not provided an
19 accommodation.
20

21 96. Alejandro Fragozo works for WRPS.
22

23 97. Michael Frazier is a property specialist with WRPS, he has submitted a religious
24 exemption, accepted by WRPS, but was originally not provided an accommodation.

25 98. Sharon Freeland is an admin IV training scheduler with Veolia, a subcontractor

1 to CPCCo, she has submitted a religious and a medical exemption, accepted by Veolia,
2 but was originally not provided an accommodation.

3 99. Dorothy Frenzel was a Health Physics Technician for WRPS. After receiving
4 information that COVID-19 vaccination would be a requirement of employment, Mrs.
5 Frenzel sought guidance with her manager. She was informed that she would be
6 administratively terminated if she did not receive the vaccine. Mrs. Frenzel alleged
7 constitutional and civil rights violations and undue stress as grounds for early
8 retirement. On October 30, 2021, Mrs. Frenzel emailed Neil Schuldenfrei, listed on the
9 EEOC as the DOE contact, to request the interview required for starting a discrimination
10 complaint. Mr. Schuldenfrei notified Mrs. Frenzel that he is no longer the DOE EEO
11 contact. She was then contacted by Jody Tallbear informing her that her new contact is
12 Santos Ortega. Mrs. Frenzel has yet to be able to communicate with Mr. Ortega despite
13 attempts to do so.
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17 100. Paul Frenzel was a Health Physics Technician for HMIS. After receiving
18 information that COVID-19 vaccination would be a requirement of employment, he
19 sought direction through his managers. Mr. Frenzel was informed that he would be
20 administratively terminated if he did not receive the vaccine. He resigned, under duress,
21 citing that the choice of whether or not to get vaccinated should be decided only by the
22 individual, and employment status should not be tied to this decision. On October 30,
23 2021, Mr. Frenzel emailed Neil Schuldenfrei, listed on the EEOC as the DOE contact,
24
25

1 to request the interview required for starting a discrimination complaint. Mr.
2 Schuldenfrei notified Mr. Frenzel that he is no longer the DOE EEO contact. He was
3 then contacted by Jody Tallbear and informed that his new contact is Santos Ortega.
4 Mr. Frenzel has yet to be able to communicate with Mr. Ortega despite attempts to do
5 so.
6

7 101. Daniel Gabbard is a security police officer for HMIS and has been provided no
8 accommodation.
9

10 102. Jennifer Gardner works for HMIS, she has submitted a religious exemption,
11 accepted by HMIS, but was originally not provided an accommodation.
12

13 103. James Gagnon is an industrial property management specialist for DOE, he has
14 submitted a religious exemption, accepted by DOE, but was originally not provided an
15 accommodation.
16

17 104. Efren Garcia is a security police officer II with HMIS and is vaccinated but
18 opposes requirements for a booster shot.
19

20 105. Eric Garcia is a security police officer with HMIS, he has submitted a religious
21 exemption, accepted by HMIS, but was originally not provided an accommodation.
22

23 106. Jaime Garcia is a security police officer with HMIS, he has submitted a
24 religious exemption, accepted by HMIS, but was originally not provided an
25 accommodation.
26

107. John Garfield works for WRPS, he has submitted a religious exemption,

1 accepted by WRPS, but was originally not provided an accommodation.

2 108. Matthew Garlick is an engineer at WRPS, he has submitted a religious
3 exemption, accepted by WRPS, but was originally not provided an accommodation.

4 109. Chris George is a security police officer with HMIS.
5

6 110. Ben Giese is an instrument technician with HMIS, he has submitted a religious
7 exemption, accepted by HMIS, but was originally not provided an accommodation.

8 111. Don Giese is an instrument technician with HMIS, he has submitted a religious
9 exemption, accepted by HMIS, but was originally not provided an accommodation. Mr.
10 Giese will be forced to retire early if COVID-19 vaccination remains a requirement to
11 retain his employment.
12

13 112. Brandon Gimlin is a radiological control technician for WRPS, he has
14 submitted a religious exemption, accepted by WRPS, but was originally not provided
15 an accommodation. Mr. Gimlin filed a complaint with the EEOC on October 27, 2021,
16 was issued Case No.: 551-2022-00906, and has an appointment with the EEOC officer
17 on February 22, 2022.
18

19 113. Crystal Girardot is an engineer that works for WRPS, she has submitted a
20 religious exemption, accepted by WRPS, and was not provided an accommodation.
21 WRPS subsequently revised its COVID-19 policy (presumably on November 30, 2021,
22 as many of the WRPS employees have attested), but Mrs. Girardot was on maternity
23 leave at the time. Mrs. Girardot remains unaware of the status of her COVID-19
24
25

1 exemption request. On November 1, 2021, Mrs. Girardot filed a complaint with the
2 EEOC, and she has an appointment scheduled with a counselor on February 22, 2022.

3 114. Levi Glatt is a security police officer III with HMIS, he received the first
4 vaccination and objects to further vaccinations and has been provided no
5 accommodation.
6

7 115. Heather Goldie was a Director of Workforce Engagement and Legacy Benefits
8 for HMIS; she submitted a religious exemption, accepted by HMIS, and was provided
9 temporary accommodation that included a required job reassignment to Project
10 Manager with HMIS. Her temporary accommodations included the requirement to wear
11 a mask at all times, weekly testing within 72 hours of start of shift during personal time
12 and at her expense, and social distancing and isolation to the maximum extent possible.
13 This accommodation is temporary and will be re-evaluated in 60 days or as needed.
14 Ms. Goldie attempted filing an EEOC complaint through the DOE EEO Office. She
15 has been unsuccessful as she has yet to receive a response from Mr. Santos Ortega in
16 the Richland EEO office.
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20 116. Michael Gomez is a security police officer II with HMIS, he has submitted a
21 religious exemption, accepted by HMIS, but was originally not provided an
22 accommodation.
23

24 117. Enrique Gonzales is a Headquarter Captain with HMIS; he submitted a
25 religious exemption, considered administratively complete, but was initially provided

1 no accommodation, stating December 8, 2021, as the date for administrative termination
2 if not vaccinated. Mr. Gonzales started the interactive process with HR to facilitate
3 determination of possible accommodation. HMIS offered a revised, temporary
4 accommodation to Mr. Gonzales allowing him to follow safety measures in lieu of being
5 vaccinated stating he must: 1) wear a mask at all times, except when eating, drinking,
6 or as allowed; 2) social distance and isolate to the maximum extent practical; 3) submit
7 weekly negative COVID-19 test results to manager upon start of shift each week, or as
8 otherwise directed by HMIS, beginning January 18, 2022. Mr. Gonzales must conduct
9 the tests during his personal time and at his expense. HMIS can re-evaluate the
10 accommodation at any time and as they feel necessary.
11
12

13 118. Christopher Goodsel is a health physics technician with WRPS, he has
14 submitted a religious exemption, accepted by WRPS, but was originally not provided
15 an accommodation. He has natural immunity as provide from a positive antibody test;
16 Mr. Goodsel also offered to pay for testing on his own to retain his employment, and
17 his employer rejected this offer.
18
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20 119. Michelle Gradin is a janitor for HMIS, she has submitted a religious exemption,
21 accepted by HMIS, but was originally not provided an accommodation.
22

23 120. Delmer Graham is a security police officer with HMIS.

24 121. Matthew Gray is a shift supervisor with the Hanford Patrol of HMIS, he has
25 submitted a religious exemption, accepted by HMIS, but was originally not provided an

1 accommodation.

2 122. Jerry Gridley is an Operations Specialist/IT&M Program Lead with HMIS; he
3 submitted a religious exemption, accepted by HMIS, and was provided a temporary
4 accommodation. Mr. Gridley is permitted to telework and is required to have a
5 minimum of one negative COVID-19 test during each (rolling) 7-day period. He is
6 required to have management approval before being on the Hanford site and is required
7 to wear an appropriate mask and ensure social distancing at all times while on premise.
8 This temporary accommodation was granted for 60 days and will be re-evaluated at that
9 time or as needed in order to comply with changes.
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12 123. Jose Gutierrez is a security police officer I with HMIS, he has submitted a
13 religious exemption, accepted by HMIS, but was originally not provided an
14 accommodation.
15

16 124. Joseph Hade is a senior health physics/ radiological control technician for
17 CPCCo, he has submitted a religious exemption, accepted by CPCCo, but was
18 originally not provided an accommodation.
19

20 125. Levi Hamby is a security police officer III with HMIS, he has submitted a
21 religious exemption, accepted by HMIS, but was originally not provided an
22 accommodation.
23

24 126. Eric Hanson works for WRPS; he submitted a religious exemption, accepted
25 by WRPS, and received a conditional, temporary (60-day) accommodation that

1 includes: 1) identifying to WRPS his primary work location; 2) wearing an appropriate
2 mas when working outside the telework location or directly interacting with others on
3 business-related matters; 3) being able to fulfill applicable WRPS workplace
4 requirements; 4) providing and minimum of one negative COVID-19 test each Monday
5 before noon. All tests relating to the accommodation must be conducted during Mr.
6 Hanson's personal time and at his expense. The accommodation was set to end on
7 February 8, 2022, but was extended by WRPS to March 18, 2022.
8

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10 127. Cameron Hardy works as a public affairs specialist for DOE, he has submitted
11 a religious exemption on September 13, 2021, which was accepted by DOE. Mr. Hardy
12 requested a meeting with the DOE Reasonable Accommodations Officer on September
13 16, 2021. During that meeting, Mr. Hardy was advised that DOE was awaiting guidance
14 from the Department of Justice on how to process exemptions. On October 15, 2021,
15 Mr. Hardy was advised by the DOE Reasonable Accommodations Officer that he would
16 be required to submit a new Reasonable Accommodation form that required additional
17 personal information; Mr. Hardy objected to this requirement but submitted the new
18 form on October 18, 2021. Mr. Hardy lodged an EEO complaint with the DOE EEO
19 Officer, Santos Ortega, on November 3, 2021. Mr. Hardy is awaiting a response from
20 DOE.
21
22

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24 128. Douglas Hart is an instrumentation specialist with HMIS, he has submitted a
25 religious exemption, accepted by HMIS, but was originally not provided an

1 accommodation. Mr. Hart has a positive COVID-19 antibody test.

2 129. Marguerite Hart is a contracts technician with HPMC; she has submitted a
3 religious exemption, accepted by HMIS, but was originally not provided an
4 accommodation.
5

6 130. Nicole Hart is a contracts specialist II with PNNL; she submitted a religious
7 exemption, which was accepted by PNNL, but initially received no accommodation.
8 Ms. Hart noted that four of her PNNL colleagues who are either providing
9 accommodations for Contracts Specialists and Contracts Assistants (Mindy Wright,
10 Cassie Smith, and Erika Frederick, have received accommodations. On November 24,
11 December 2, 2021, Ms. Hart was placed on a “personal unpaid Leave of Absence” as a
12 PNNL “management directed leave” until January 18, 2022, or until she receives the
13 COVID-19 vaccine; Ms. Hart refused to sign the Leave of Absence form. Prior to the
14 COVID-19 vaccine mandate, Ms. Hart was participating in the PNNL tuition
15 reimbursement for a bachelor’s degree, which she received in December 2020; her
16 remaining balance is \$12,000.18, which she would be required to repay as a condition
17 of her “voluntary resign[ation].” Tim Hart is a security police officer I with HMIS; he
18 received the first COVID-19 vaccination and refuses to obtain a second vaccination.
19 Mr. Hart also has natural antibodies.
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25 131. Victor Hart is a senior labor relations specialist with HMIS; he has submitted a

1 religious exemption, accepted by HMIS, but was originally not provided an
2 accommodation.

3 132. Chamise Hartman is a pipefitter for WRPS she has submitted a religious
4 exemption, accepted by WRPS, but was originally not provided an accommodation.
5

6 133. Pamela Hartsock is a technical writer/editor with CPCCo; she has submitted a
7 religious exemption, accepted by HMIS, but was originally not provided an
8 accommodation. On November 10, 2021, Ms. Hartsock filed a complaint with the
9 Office of Federal Contract Compliance Programs (“OFCCP”) and received
10 confirmation of the complaint by OFCCP on November 19, 2021. Ms. Hartsock’s
11 OFCCP complaint was forwarded to the EEOC, which issued EEOC Charge No.: 551-
12 2022-01211 On November 29, 2021. Ms. Hartsock has received her “Notice of Right
13 to Sue” letter from the EEOC, dated January 10, 2022, under Title VII, the ADA, or
14 GINA.
15
16

17 134. Joshua Hatch is a firefighter/EMT with HMIS and was provided the
18 accommodation of weekly testing at his own time and expense. Ron Havens is a truck
19 driver with HMIS, he has submitted a religious exemption, accepted by HMIS, but was
20 originally not provided an accommodation. Timothy Hawkins works for Bechtel; he
21 submitted a religious exemption, accepted by Bechtel, but was originally denied
22 accommodation. He then received a temporary accommodation ending March 29,
23 2022. This revised accommodation requires Mr. Hawkins to present a negative Covid-
24
25

1 19 test result no older than 7 days to work in the office/onsite. The test must be presented
2 on a weekly basis for continued access, as any test over 7 days old is considered expired
3 and will prohibit access to the work area until new results are provided to his HR
4 representative. Mr. Hawkins is also expected to comply with all Covid-19 Safety
5 protocols outlined in the most current version of the WTP COVID-19 Fact Sheet
6 (24590-WTP-TB-SA-20-0001). This temporary accommodation will be re-evaluated
7
8 60 days after January 18, 2022, or if new DOE direction is provided, whichever comes
9
10 first.

11 135. Kory Hebdon is a security police officer with HMIS.

12 136. Larry Hebert is an electrical planner with WRPS, he has submitted a religious
13 exemption, accepted by WRPS, but was originally not provided an accommodation.
14

15 137. Katie Henderson is a contracting professional with PNNL she has submitted a
16 religious exemption, accepted by PNNL, but was originally not provided an
17 accommodation despite having teleworked since March 2019 and being willing to
18 provide a negative COVID-19 test prior to entering the workplace.
19

20 138. Joshua Herrick is a safety representative with WRPS, he has submitted a
21 religious exemption, accepted by WRPS, but was originally not provided an
22 accommodation. Mr. Herrick has natural immunity from having had COVID-19 and
23 has tested positive for COVID-19 antibodies.
24

25 139. Lee Holmes is a maintenance specialist with Bechtel he has submitted a

1 religious exemption, accepted by Bechtel, but was originally not provided an
2 accommodation.

3 140. Joy Houchin is a National Security Specialist with PNNL; she submitted a
4 medical exemption as she has a history of adverse vaccine reactions. Ms. Houchin's
5 request was accepted by PNNL, and received temporary accommodations including: 1)
6 temporary extension of the PNNL COVID-19 vaccine deadline; 2) temporary telework
7 from approved home location, and not permitted to be on PNNL campus or any other
8 PNNL location unless otherwise directed by her Group Leader; 3) in the event she must
9 come on site, Ms. Houchin must: a) have her Group Leader's pre-approval; b) have a
10 negative COVID-19 test result from a sanctioned testing site from a sample taken within
11 one day prior to arrival; c) comply with PNNL COVID-19 requirements for work onsite;
12 4) Ms. Houchin is permitted from traveling for business.

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16 141. Marvin Huck is a teamster/driver with HMIS he has submitted a religious and
17 a medical exemption, accepted by HMIS, but was originally not provided an
18 accommodation. Mr. Huck has a positive COVID-19 antibody test from November 3,
19 2021.

20
21 142. Adam Huckleberry is a training specialist (instructor) at the Hanford Patrol
22 Training Facility with HMIS he has submitted a religious exemption, accepted by
23 HMIS, but was originally not provided an accommodation. Mr. Huckleberry has a
24 positive natural immunity as demonstrated by a positive COVID-19 antibody test and
25

1 is willing to pay for COVID-19 testing and wear a mask while on the worksite, and will
2 telework, as needed. HMIS denied Mr. Huckleberry's proposed accommodations.

3 143. Robin Hudson is a senior health physics technician with HLMI, she has
4 submitted a religious and a medical exemption, accepted by HLMI. She was offered a
5 60-day accommodation of weekly COVID-19 testing and mask usage.
6

7 144. James Ireland is a teamster with HMIS, he has submitted a religious exemption,
8 accepted by HMIS, but was originally not provided an accommodation.
9

10 145. Daniel Irish is a security police officer III and a sniper with HMIS, he has
11 submitted a religious exemption, accepted by HMIS, but was originally not provided an
12 accommodation.
13

14 146. J. I. is a firefighter, he has submitted a religious exemption, accepted by his
15 employer and received an accommodation of mask-wearing and weekly testing, and the
16 accommodation was subsequently revoked. J. has had and recovered from, COVID-19.
17

18 147. Eric Ison is an engineering manager with CPCCo, he has submitted a religious
19 exemption, accepted by CPCCo, but was originally not provided an accommodation.
20 Mr. Ison has a positive COVID-19 antibody test.

21 148. Rodger Iverson is a security police officer II for HMIS, he has submitted a
22 religious exemption, accepted by HMIS, but was originally not provided an
23 accommodation.
24

25 149. Miguel Iztas is a security police officer for HMIS.

1 150. Bryce Jackson is a security police officer II for HMIS, he has submitted a
2 religious exemption, accepted by HMIS, but was originally not provided an
3 accommodation. Mr. Jackson has a positive COVID-19 antibody test.

4 151. Joel Jackson is a journeyman radiological technician for Bechtel, he has
5 submitted a religious exemption, accepted by Bechtel, but was originally not provided
6 an accommodation.
7

8 152. Raymond Jeffers is a fire protection coordinator with Bechtel, he has submitted
9 a religious exemption, accepted by Bechtel, but was originally not provided an
10 accommodation.
11

12 153. Gardiner Jeffrey is a security police officer with HMIS, he has submitted a
13 religious exemption, accepted by HMIS, but was originally not provided an
14 accommodation.
15

16 154. Johnathan Johns is a security police officer II with HMIS, he has submitted a
17 religious exemption, accepted by HMIS, but was originally not provided an
18 accommodation.
19

20 155. Kami Johns is a shift operations manager with CPCCo, she has submitted a
21 religious exemption, accepted by CPCCo, but was originally not provided an
22 accommodation.
23

24 156. Timothy Johns is a security police officer III with HMIS, he has submitted a
25 religious exemption, accepted by HMIS, but was originally not provided an

1 accommodation.

2 157. Bonnie Johnson is a senior financial professional with WRPS, she has
3 submitted a religious exemption, accepted by WRPS, but was originally not provided
4 an accommodation.
5

6 158. Christopher Johnson is decommissioning and deactivation technician with
7 CPCCo, he has submitted a religious exemption, accepted by CPCCo, but was
8 originally not provided an accommodation.
9

10 159. James Jones is an electrical engineer, he has submitted a religious exemption,
11 but was originally not provided an accommodation. Mr. Jones had a positive COVID-
12 19 test on August 2, 2021.
13

14 160. Erika Jordan is a project coordinator with HLMI; she submitted a medical
15 exemption and was given a temporary accommodation.
16

17 161. Faith Kaanapu is a Bechtel employee, she has submitted a religious exemption,
18 accepted by Bechtel, and was offered a temporary accommodation requiring weekly
19 negative COVID-19 test results, which she opposes, until February 2022.

20 162. Mark Kamberg is an environmental scientist with HMIS, he has submitted a
21 religious exemption, accepted by HMIS, but was initially provided no accommodation.
22 On November 19, 2021, HMIS offered a conditional accommodation, requiring Mr.
23 Kamberg to: (1) wear a mask at all times; (2) social distance and isolate to the maximum
24 extent practical; and (3) submit evidence of a weekly negative COVID-19 test prior to
25

1 the start of shift each week. This conditional accommodation is valid from January 18,
2 2022 through March 18, 2022.

3 163. Frank Kearney is a pipefitter with PNNL, he has submitted a religious
4 exemption, accepted by PNNL, but was originally not provided an accommodation.
5

6 164. Brian Keelean is a radiological control technician for HMIS, he has submitted
7 a religious exemption, accepted by HMIS, but was originally not provided an
8 accommodation.
9

10 165. Keith Keller is a project controls engineer, earned value management system
11 for WRPS, he has submitted a religious exemption, accepted by WRPS, but was
12 originally not provided an accommodation.
13

14 166. Mahlon Kerwick is a security police officer II with HMIS, he has submitted a
15 religious exemption, accepted by HMIS, but was originally not provided an
16 accommodation.
17

18 167. Ronald Knight is an instrument technician with HMIS, he has submitted a
19 religious exemption, accepted by HMIS, but was originally not provided an
20 accommodation.
21

22 168. Mark Knight is Teamster with HMIS, he has submitted a religious exemption,
23 accepted by HMIS, but was originally not provided an accommodation.
24

25 169. Karl Kohne is a lead crane operator with Intermech, a subcontractor to WRPS,
he has submitted a medical exemption, and Intermech determined they were unable to

1 grant his request and provided no accommodation. but was originally not provided an
2 170. Kerry Kost is a Technical Specialist with WRPS; he submitted a religious
3 exemption, on October 20, 2021, which was accepted by WRPS, and was provided
4 temporary accommodation on October 28, 2021, which required that Mr. Kost: 1)
5 identify to WRPS his primary telework location; 2) wear an appropriate mask when
6 working outside the telework location or directly interacting with others on business-
7 related matters; 2) be able to fulfill workplace requirements; 4) provide at least one
8 negative COVID-19 test before noon each Monday during his own personal time and
9 at his expense. These temporary accommodations were given for a time-period of 60
10 days starting December 8, 2021, through February 8, 2022, with expectation that re-
11 evaluation could occur at any point. The temporary accommodations were then
12 extended through March 18, 2022, in a re-evaluated vaccination and determination
13 letter. Mr. Kost sought an interactive process with WRPS' HR by seeking clarity on
14 the mandatory COVID-19 testing for unvaccinated individuals on November 1st, 4th,
15 30th, but received no response from WRPS. On December 1, 2021, Mr. Kost received
16 an extension of his temporary, conditional accommodation. On December 6, 2021, Mr.
17 Kost reasserted the same questions to WRPS' HR, noting the prior requests went
18 unanswered.
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24 171. Thomas Krasner is a radiological control manager with CPCCo; he submitted
25 a religious exemption, accepted by CPCCo, but was provided no accommodation. He

1 was forced to choose early retirement due to accommodation denial for both him and
2 his wife.

3 172. Patrick Krzan is a canine handler with the Hanford Patrol, for HMIS, he is
4 vaccinated and opposes booster shots and is seeking accommodation from booster shots
5 with HMIS.
6

7 173. Dustin Lamm is a security police officer II with HMIS, he has not submitted a
8 religious exemption, and opposes the mandatory vaccination.
9

10 174. Ryan Lansing is a security police officer IIC with HMIS, he has submitted a
11 religious exemption, accepted by HMIS, but was originally not provided an
12 accommodation.
13

14 175. Gil Leal is a security police officer I with HMIS, he has submitted a religious
15 exemption, accepted by HMIS, but was originally not provided an accommodation.
16

17 176. Sharon Leinen is an operations support specialist with HMIS, she has submitted
18 a religious exemption, accepted by HMIS, has received a temporary, 60-day
19 accommodation.
20

21 177. Brianna Leitz is a senior health physics technician with WRPS, she has
22 submitted a religious exemption, accepted by WRPS, but was originally not provided
23 an accommodation.
24

25 178. Justin Lettau is a security police officer II with HMIS, he has submitted a
religious exemption, accepted by HMIS, but was originally not provided an

1 accommodation.

2 179. Carl Lindstrom is employed with Bechtel (WTCC), he has submitted a religious
3 exemption, accepted by Bechtel, but was originally not provided an accommodation.

4 180. Bradley Loosveldt is a work control planner with TerraGraphics, he has
5 submitted a religious exemption, accepted by TerraGraphics, but was originally not
6 provided an accommodation.
7

8 181. Corey Low is employed with DOE, he has submitted a religious exemption,
9 accepted by DOE, is awaiting a determination from DOE, and has been provided no
10 accommodation.
11

12 182. Oscar Lucatero is a security police officer II with HMIS, he has submitted a
13 religious exemption, accepted by HMIS, but was originally not provided an
14 accommodation.
15

16 183. Phillip Love is a security police officer with HMIS.

17 184. Gale Lyon is an operations specialist with CPCCo, he has submitted a religious
18 exemption, accepted by CPCCo, the accommodation provided to Mr. Lyon is temporary
19 (up to 60 days) and consists of weekly testing at his own expense.
20

21 185. Ismael Magallanes is a security police officer with HMIS, he has submitted a
22 religious exemption, accepted by HMIS, but was originally not provided an
23 accommodation. Mr. Magallanes tested positive for COVID-19 in December 2020.
24

25 186. Matthew Malin is a Mechanical Work Planner with Bechtel (WTCC); he

1 submitted a religious exemption, accepted by Bechtel (WTCC), and was initially
2 provided no accommodation. On 11/23/2021, Mr. Malin received temporary approval
3 for a 60-day accommodation until March 18, 2022, under the following conditions: 1)
4 adherence to Contractor COVID-19 protocol requirements on site; 2) submit weekly
5 negative COVID-19 test results, from within the previous three calendar days, at the
6 beginning of his work week shift. Mr. Malin is responsible for the time and cost of
7 testing. The accommodation will be monitored and is subject to change at any time.
8

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10 187. Jairo Martin is a security police officer with HMIS, he has submitted a religious
11 exemption, accepted by HMIS, but was originally not provided an accommodation.

12 188. David Martinez is a firefighter/EMT with HMIS, he has submitted a religious
13 exemption, accepted by HMIS, but was originally not provided an accommodation. Mr.
14 Martinez has positive COVID-19 antibodies.

15
16 189. Byron Massie is employed with CPCCo, he has submitted a religious
17 exemption, accepted by CPCCo, but was originally not provided an accommodation.

18
19 190. James Matte is an industrial hygienist with HMIS, he has submitted a religious
20 exemption, accepted by HMIS, but was originally not provided an accommodation.

21 191. Trent Maxwell is a security police officer with HMIS.

22
23 192. Sam McCarley is a security police officer III with HMIS, he has submitted a
24 religious exemption, accepted by HMIS, but was originally not provided an
25 accommodation.

1 193. Joe Meier is a journeyman carpenter with HMIS, he has submitted a religious
2 exemption, accepted by HMIS, but was originally not provided an accommodation. Mr.
3 Meier has tested positive for COVID-19 antibodies.

4 194. Norma Mendoza works for WRPS as a nuclear chemical operator, she has
5 submitted a religious exemption, accepted by WRPPS, and was initially provided no
6 accommodation (October 27, 2021). On November 4, 2021, Ms. Mendoza filed a
7 grievance with her union regarding the rejection of her requested accommodation. On
8 November 5, 2021, Ms. Mendoza filed a complaint with the EEOC November, and on
9 November 15, 2021, she was assigned Case No.: 551-2022-01241. On November 30,
10 2021, Ms. Mendoza was offered a temporary 60-day accommodation by WRPS from
11 January 18, 2022, through March 18, 2022 under the following conditions: 1) adherence
12 to Contractor COVID-19 protocol requirements on site; 2) submit weekly negative
13 COVID-19 test results, from within the previous three calendar days, at the beginning
14 of his work week shift.

15 195. Cory Meyer is an electrician with CPCCo, he has submitted a religious
16 exemption, accepted by CPCCo, but was originally not provided an accommodation.

17 196. Kyle Meyer is a radiological control first line supervisor with WRPS, he has
18 submitted a religious exemption, accepted by WRPS, but was originally not provided
19 an accommodation.

20 197. Kevin Milford is a maintenance specialist, IV with HMIS, he has submitted a
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1 religious exemption, accepted by HMIS, but was originally not provided an
2 accommodation.

3 198. Darren Miller is a security police officer II with HMIS, he has submitted a
4 religious exemption, accepted by HMIS, but was originally not provided an
5 accommodation.
6

7 199. Benjamin Minter is a security police officer with HMIS, he has submitted a
8 religious exemption, accepted by HMIS, but was originally not provided an
9 accommodation.
10

11 200. Jeremy Miranda is a security police officer with HMIS, he has submitted a
12 religious exemption, accepted by HMIS, but was originally not provided an
13 accommodation.
14

15 201. Derik Moe is a security police officer with HMIS, he has submitted a religious
16 exemption, accepted by HMIS, but was originally not provided an accommodation.

17 202. Trent Mooney is a health physicist with WRPS, he has submitted a religious
18 exemption, which was accepted by WRPS, with no initial accommodation. Mr. Mooney
19 started an appeal on the decision to deny accommodation and notified his HR contact
20 that he would also be filing an EEOC complaint. He started the EEOC process and
21 received the EEOC Case No.: 551-2022-01191. He is still awaiting his interview.
22 WRPS extended temporary accommodation with mandatory requirements including
23 weekly testing to be performed during Mr. Mooney's own time and at his own expense.
24
25

1 He complied, under duress, to keep his job, but stated his concerns that testing
2 requirements were left open-ended, and he would not receive further instruction until
3 after agreeing to the accommodation.

4
5 203. Ryan Moore is a security police officer III with HMIS, he has submitted a
6 religious exemption, accepted by HMIS, but was originally not provided an
7 accommodation.

8
9 204. Joelle Moss is a hazardous materials specialist with WRPS, she has submitted
10 a religious exemption and has a predisposition to blood clots, accepted by WRPS, and
11 has been provided temporary accommodation.

12
13 205. Ryleigh Morrison is a health physics technician with CPCCo, she he has
14 submitted a religious exemption, accepted by CPCCo, but was originally not provided
15 an accommodation. She has had COVID-19.

16
17 206. Daniel Morrow is an electrical fieldwork supervisor with HMIS, he has
18 submitted a religious exemption, accepted by HMIS, but was originally not provided an
19 accommodation.

20
21 207. Allen Morris is employed with Bechtel (WTCC), he submitted a religious
22 exemption, accepted by WTCC, but was provided no accommodation.

23
24 208. Jennifer Mullen-Morris is a radiological control technician/health physics
25 technician with WRPS, he has submitted a religious exemption, accepted by WRPS, but
was originally not provided an accommodation.

1 209. Patrick Murphy is a security police officer I with HMIS who has been provided
2 no accommodation.

3 210. Paul Naef is employed by Northwest Power, a subcontractor to Bechtel, he has
4 submitted a religious exemption, accepted by Northwest Power, but was originally not
5 provided an accommodation.
6

7 211. Celeste Nelson is a firefighter/EMT with HMIS, she has submitted a religious
8 exemption, accepted by HMIS, but was originally not provided an accommodation.
9

10 212. Johnny Neer is a nuclear operator with CPCCo, he has submitted a religious
11 exemption, accepted by CPCCo, but was originally not provided an accommodation.
12

13 213. Tobin Neyens is a security police officer, K-9 with HMIS.

14 214. Marco Nicacio is employed with WRPS, he has submitted a religious
15 exemption, accepted by WRPS, but was originally not provided an accommodation.
16

17 215. Matt Nichol is a security police officer I with HMIS, he has submitted a
18 religious exemption, accepted by HMIS, but was originally not provided an
19 accommodation.
20

21 216. Jeffery Nielson is a central shift manager with WRPS, he has submitted a
22 religious exemption, accepted by WRPS, but was originally not provided an
23 accommodation.
24

25 217. Ivan Nunez is a security police officer II with HMIS, he has submitted a
religious exemption, accepted by HMIS, but was originally not provided an

1 accommodation.

2 218. Juan Nunez is a security police officer with HMIS, he has submitted a religious
3 exemption, accepted by HMIS, but was originally not provided an accommodation.

4 219. Kelly O'Brien is an executive assistant with CPCCo, she has submitted a
5 religious exemption, accepted by CPCCo; she was offered accommodation, and
6 accepted most of the conditions, excepting weekly testing, which exceed current OSHA
7 standards.
8

9 220. Angel Ojeda is the office manager of Ojeda Business Ventures ("OBV"), a
10 construction subcontractor to CPCCo, HMIS, and WRPS seeking to apply COVID-19
11 antibodies or natural immunity to its workforce. CPCCo has threatened termination of
12 OBV contract if OBV fails to implement a COVID-19 vaccine mandate. 78% of OBV's
13 workforce has tested positive for COVID-19 antibodies, either through natural
14 immunity or vaccination.
15

16 221. Luis Ojeda is the office manager of Ojeda Business Ventures, a construction
17 subcontractor to CPCCo, HMIS, and WRPS seeking to apply COVID-19 antibodies or
18 natural immunity to its workforce. CPCCo has threatened termination of OBV contract
19 if OBV fails to implement a COVID-19 vaccine mandate.
20

21 222. William Olson is a facility manager at the 242A site with WRPS, he has
22 submitted a medical exemption, accepted by WRPS, and was provided a temporary (60
23 day) exemption, and is seeking a permanent exemption.
24
25

1 223. Mark Oslin is a security police officer with HMIS, he has not submitted an
2 exemption and has been offered no accommodations.

3 224. William Owen is a 1099 subcontractor as Project Controls Consultant to
4 AttainX, a subcontractor to DOE; he requested accommodation from AttainX and was
5 informed that as a 1099 subcontractor, he is not considered an AttainX employee, and
6 his firm (Owen Consulting) must certify its compliance with the mandate. As the owner
7 of Owen Consulting, he has granted his sole employee, William Owen, a religious
8 exemption with accommodation equivalent to the working arrangement in existence for
9 the last 19 months. His intent is to provide said certification when/if a final mandate
10 enforcement date for subcontractors is determined.

11 225. Patrick Paeschke is a journeyman electrician with PNNL, he has submitted a
12 religious exemption, accepted by PNNL, but was originally not provided an
13 accommodation.

14 226. Stuart Palmer is a security police officer with HMIS.

15 227. Nicholas Parker is a project controls associate with CPCCo, he has submitted a
16 religious exemption, accepted by CPCCo, and was provided a 60-day accommodation
17 that requires weekly COVID-19 testing at his expense and on his own time.

18 228. Jeffery David Parrish is a Journeyman Insulator for CPCCo, he submitted a
19 religious exemption, accepted by HMIS, but was provided no accommodation. Mr.
20 Parrish is aware of other CPCCo personnel working in similar physical circumstances
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1 who have received accommodations. Mr. Parrish has taken advantage of the interactive
2 process available due to his unique position as a sole journeyman insulator for soil and
3 groundwater. He suggested creating accommodations that followed the current
4 guidelines that would allow him to complete his work duties.
5

6 229. Douglas Patnode is a safety trainer for Amentum; he submitted a religious
7 exemption, accepted by Amentum and originally denied accommodation. He was given
8 a revised, temporary accommodation ending on March 18, 2022.
9

10 230. Kevin Patterson is a nuclear chemical operator for CPCCo, he has submitted a
11 religious exemption, accepted by CPCCo, but was originally not provided an
12 accommodation.
13

14 231. Brandon Patton is a security police officer with HMIS, he has submitted a
15 religious exemption, accepted by HMIS, but was originally not provided an
16 accommodation.
17

18 232. Zachary Pike is a decommissioning and deactivation technician with CPCCo,
19 he has submitted religious exemption, accepted by CPCCo, but was originally not
20 provided an accommodation.
21

22 233. Brian Pisca is a security police officer III with HMIS, he has submitted a
23 religious exemption, accepted by HMIS, but was originally not provided an
24 accommodation.
25

234. Jesse Potter is a security police officer III with HMIS, he has submitted a

1 religious exemption, accepted by HMIS, but was originally not provided an
2 accommodation.

3 235. Kelly Poynor is a security police officer II with HMIS who has submitted a
4 religious exemption, accepted by HMIS, but was originally not provided an
5 accommodation.
6

7 236. Adriana Elizabeth Prescott is a project manager for WRPS; she submitted a
8 religious exemption, accepted by WRPS but was provided no accommodation.
9

10 237. Bryan Raeder is a senior radiological control technician/health physics
11 technician for CPCCo, he has submitted a religious exemption, accepted by CPCCo,
12 but was originally not provided an accommodation.
13

14 238. Agapito Ramos is a security police officer II with HMIS, he has submitted a
15 religious exemption, accepted by HMIS, but was originally not provided an
16 accommodation.
17

18 239. Kevin Reberger is a work control planner with WRPS, he has submitted a
19 religious exemption, accepted by WRPS, but was originally provided no
20 accommodation, but on November 30, 2021, he was offered a 60-day accommodation,
21 effective January 18, 2022, exempting him from the COVID-19 vaccine mandate under
22 the following conditions: (1) Compliance with published CDC masking and physical
23 distancing guidance; (2) Furnishing WRPS with a minimum of one negative Covid-19
24 test each Monday before noon; and (3) Continued ability to fulfill applicable WRPS
25

1 workplace requirements. Mr. Reberger filed a complaint with the EEOC and was
2 assigned Case No.: 551-2022-01103.

3 240. Howard Reed is a fire protection engineer with Bechtel, he has submitted a
4 religious exemption, accepted by Bechtel, but was originally not provided an
5 accommodation.
6

7 241. Matthew Reed is a security police officer III with HMIS, he has submitted a
8 religious exemption, accepted by HMIS, but was originally not provided an
9 accommodation.
10

11 242. Robert Reynolds is a firefighter/EMT with HMIS, he has submitted a religious
12 exemption, accepted by HMIS, but was originally not provided an accommodation.
13

14 243. Ryan Richardson is a security police officer III with HMIS, he has submitted a
15 religious exemption, accepted by HMIS, but was originally not provided an
16 accommodation.
17

18 244. Ryder Richardson is a security police officer II with HMIS, he has submitted a
19 religious exemption, accepted by HMIS, but was originally not provided an
20 accommodation.
21

22 245. Greg Richter is a security police officer III with HMIS, he has submitted an
23 exemption from the COVID-19 vaccine, but he has been provided no accommodation.
24

25 246. Ryan Rickenbach is a design services manager with WRPS, he has submitted a
religious exemption, accepted by WRPS, but was originally not provided an

1 accommodation.

2 247. Ramon Riojas is a maintenance electrician with CPCCo, he has submitted a
3 religious exemption, accepted by CPCCo, but was originally not provided an
4 accommodation. Mr. Riojas has a positive COVID-19 antibody test.
5

6 248. Martin Rios Magana is a security police officer II with HMIS, he has submitted
7 a religious exemption, accepted by HMIS, but was originally not provided an
8 accommodation.
9

10 249. Michael Ripplinger is employed with Bechtel (WTCC), he has submitted a
11 religious exemption, accepted by Bechtel, but was originally not provided an
12 accommodation. He has two positive COVID-19 antibody tests.
13

14 250. Ernesto Rivas is a security police officer with HMIS, he has submitted a
15 religious exemption, accepted by HMIS, but was originally not provided an
16 accommodation.
17

18 251. June Robinson was a senior industrial hygienist with PNNL. In August 2021,
19 PNNL management started requiring employees to attest to COVID-19 vaccination
20 status no later than September 10, 2021. Mrs. Robinson sought a medical
21 accommodation but received none as her medical provider feared losing her license. On
22 September 22, 2021, Mrs. submitted resigned from PNNL under duress with an
23 effective date of December 31, 2021. On October 27, 2021, Mrs. Robinson submitted
24 a request for religious accommodation, seeking an exemption from the COVID-19
25

1 vaccine mandate, using PNNL's Request for Accommodation Religious Exemption
2 from COVID-19 Vaccination form; PNNL denied this request. On November 16, 2021,
3 Mrs. Robinson appealed PNNL's denial of her request for religious exemption and
4 accommodation, noting the following family medical history associated with the
5 COVID-19 vaccine:
6

- 7 a. Her older brother suffers from chronic fatigue post-vaccination;
- 8 b. Three days after her husband received the vaccination, he was in the ER
9 for 8 hours and was diagnosed with diverticulitis;
- 10 c. Her youngest daughter was vaccinated in September 2021 and became ill
11 within hours of receiving the shot. Mrs. Robinson's daughter continues to have
12 pain that radiates down her arm; and
13
14

15 252. Her oldest daughter was vaccinated in the third trimester of her pregnancy, and
16 her daughter's infant has been diagnosed with gastroenteritis reflux disease. Staci
17 Rockey is an office administrator with Bechtel, LLC, she has submitted a religious
18 exemption, accepted by Bechtel, but was originally not provided an accommodation.
19

20 253. Gregory Rodenburg, II is a security police officer II with HMIS, he has
21 submitted a religious exemption, accepted by HMIS, but was originally not provided an
22 accommodation.
23

24 254. Manuel Rodriguez is a security police officer with HMIS, he has received the
25 first COVID-19 vaccine, but desires not to obtain the second vaccine as an infringement

1 of his bodily autonomy.

2 255. Jaime Rodriguez is a security police officer II with HMIS, has submitted an
3 exemption request, which was accepted by HMIS, but was originally not provided an
4 accommodation.

5
6 256. Lori Rogers is a health physics technician with WRPS, she has submitted a
7 religious exemption, accepted by WRPS, but was originally not provided an
8 accommodation.

9
10 257. Ryan Rosenthal is a security police officer with HMIS, he has submitted a
11 religious exemption, accepted by HMIS, but was originally not provided an
12 accommodation.

13
14 258. Leisha Rowe is a radiological control manager, she has submitted a religious
15 exemption, accepted by her employer, but was originally not provided an
16 accommodation.

17
18 259. Mischelle Russell is a senior radiological technician with CPCCo, she has
19 submitted a religious exemption, accepted by CPCCo, but was originally not provided
20 an accommodation.

21
22 260. Jamison Saddler is a security patrol officer I with HMIS, he has submitted a
23 religious exemption, accepted by HMIS, but was originally not provided an
24 accommodation.

25 261. Kyle Saltz is security police officer II with HMIS, he has submitted a religious

1 exemption, accepted by HMIS, but was originally not provided an accommodation.

2 262. William Samson is a chemical operator with CPCCo, he has submitted a
3 religious exemption, accepted by CPCCo, but was originally not provided an
4 accommodation.
5

6 263. Oscar Sanchez is a security police officer with HMIS, he has submitted a
7 religious exemption, accepted by HMIS, but was originally not provided an
8 accommodation.
9

10 264. Matthew Sanders is a quality assurance engineer with HMIS, he has submitted
11 a religious exemption, accepted by HMIS, and has been provided accommodation of
12 weekly testing and work from home in a different job position.
13

14 265. Joel Savage is a paramedic/firefighter with HMIS, he has submitted a religious
15 exemption, accepted by HMIS, but was originally not provided an accommodation. Mr.
16 Savage has a positive COVID-19 antibody test and is willing to adhere to social distance
17 and mask-wearing requirements as an accommodation.
18

19 266. Rick Schieffer is a radiation protection supervisor with HMIS, he has submitted
20 a religious exemption, accepted by HMIS, but was originally not provided an
21 accommodation.
22

23 267. Jacob Schmid is a firefighter/EMT with HMIS, he has submitted a religious
24 exemption, accepted by HMIS, but was originally not provided an accommodation.
25

268. Jessica Schuette is a project specialist/buyer technical representative with

1 WRPS, she has submitted a religious exemption, accepted by WRPS, was initially
2 provided no accommodation, but has recently received a temporary teleworking
3 accommodation.

4
5 269. John Schuette is an engineering manager with Bechtel (WTCC project), he has
6 submitted a religious exemption, accepted by Bechtel, and has been provided a
7 temporary accommodation of teleworking until February 2022.

8
9 270. Devin Shelby is a security police officer II with HMIS, he has submitted a
10 religious exemption, accepted by HMIS, but was originally not provided an
11 accommodation.

12
13 271. Jeff Short is a firefighter with HMIS, he has submitted a religious exemption,
14 accepted by HMIS, but was originally not provided an accommodation. Mr. Short has
15 a positive COVID-19 antibody test and is willing to adhere to wearing a mask and
16 weekly testing.

17
18 272. Steve Short is an engineering supervisor with Bechtel, he has submitted a
19 religious exemption, accepted by Bechtel, and has been provided temporary
20 accommodation teleworking until February 2022.

21
22 273. Thomas Sichler is a health physicist with CPCCo, he has submitted a religious
23 exemption, accepted by CPCCo, but was originally not provided an accommodation.
24 Mr. Sichler declared that he is aware of CPCCo accommodating similarly situated
25 individuals.

1 274. Gidget Silvers is a health physics technician lead with WRPS, she has
2 submitted a religious exemption, accepted by WRPS, but was originally not provided
3 an accommodation.

4 275. Stephen Simmons is a preventative maintenance planner with Bechtel.
5

6 276. Andrea Sims is a clerk, III with WRPS, she has submitted a religious
7 exemption, accepted by WRPS, but was originally not provided an accommodation.
8 Ms. Sims has a positive COVID-19 antibody test and is willing to adhere to social
9 distancing, wearing a mask, and regular testing.
10

11 277. Daniel Sims is a security police officer III with HMIS, he has submitted a
12 religious exemption, accepted by HMIS, but was originally not provided an
13 accommodation.
14

15 278. Edward Sinclair is employed as safety and health programs specialist with
16 WRPS.

17 279. John Sisemore is a sheet metal worker with Bechtel (WTCC project), he has
18 submitted a religious exemption, accepted by Bechtel, but was originally not provided
19 an accommodation. Mr. Sisemore has a positive COVID-19 antibody test and is willing
20 to wear a mask and test weekly.
21

22 280. Cathy Slape is employed with HMIS and has health issues, she he has submitted
23 a religious exemption, accepted by HMIS, but was originally not provided an
24 accommodation.
25

1 281. Gabe Slape is employed with CPCCo, he has submitted a religious exemption,
2 accepted by CPCCo, but was originally not provided an accommodation.

3 282. Derek Small is a security police officer III with HMIS, he has submitted a
4 religious exemption, accepted by HMIS, but was originally not provided an
5 accommodation.
6

7 283. Gregory Smith is a teamster/truck driver for WRPS, he has submitted a
8 religious exemption, accepted by WRPS, but was originally not provided an
9 accommodation.
10

11 284. Shad Smith is a steamfitter with HMIS, he has submitted a religious exemption,
12 accepted by HMIS, but was originally not provided an accommodation.
13

14 285. Stephen Smith is an electrical engineer with WRPS, he has submitted a
15 religious exemption, accepted by WRPS, but was originally not provided an
16 accommodation.
17

18 286. William Smoot is a health physicist with WRPS, he has submitted a religious
19 exemption, accepted by WRPS, but was originally not provided an accommodation.
20

21 287. Todd Sommerville is a maintenance material specialist with WRPS, he has
22 submitted a religious exemption, accepted by WRPS, but he has been provided no
23 accommodation.
24

25 288. Krisheena Stajduhar is a Procurement Specialist with WRPS; she submitted a
religious exemption, accepted by WRPS, and was provided teleworking

1 accommodations until April 2022, that require weekly COVID-19 testing, which exceed
2 the OSHA standards. In December 2022, WRPS decided to change the 100% telework
3 accommodation to a 50/50 accommodation starting January 4, 2022 as their “return to
4 work” initiative. Ms. Stajduhar then sought an exemption and accommodation
5 requesting 100% telework as her symptoms of chronic health conditions have improved
6 significantly since she began 100% telework. Her physician wrote a letter, which she
7 submitted along with an ADA exemption letter to PNNL. This request was denied, and
8 she was told she needed a letter from the doctor explaining her health history in depth
9 and how it affects her ability to perform her duties. Ms. Stajduhar is in the process of
10 obtaining the appropriate information from her physician to fulfill the requirements for
11 an ADA exemption to continue 100% telework.
12
13
14

15 289. Damon Stanley is a carpenter for CPCCo, he has submitted a religious
16 exemption, accepted by CPCCo, but was originally not provided an accommodation.
17

18 290. Kirsten Stanley is a stock and tool crib attendant for CPCCo, she has submitted
19 a religious exemption, accepted by CPCCo, but was originally not provided an
20 accommodation.
21

22 291. Daniel Stenkamp is an electrical engineer/design authority for WRPS; he
23 submitted a religious exemption, accepted by WRPS, but was provided no
24 accommodation.
25

292. David Storaci is an operations specialist III with Bechtel, he has submitted a

1 religious exemption, accepted by Bechtel, but was originally not provided an
2 accommodation.

3 293. Joseph Stowman is a custodian with HMIS, he has submitted a religious
4 exemption, accepted by HMIS, but was originally not provided an accommodation.
5

6 294. William Sullivan is employed with WRPS, he has submitted a religious
7 exemption, accepted by HMIS, but was originally not provided an accommodation. Mr.
8 Sullivan also has health issues, including cysts on his kidneys.
9

10 295. Carl Sutherland is a security patrol officer II with HMIS, he has submitted a
11 religious exemption, accepted by HMIS, but was originally not provided an
12 accommodation.
13

14 296. April Swofford is a parts manager with Veolia a subcontractor to CPCCo, she
15 has submitted a religious exemption, accepted by Veolia, but was originally not
16 provided an accommodation at CPCCo direction.
17

18 297. Roger W. Szelmeczka is an environmental specialist with WRPS seeking a
19 religious accommodation, accepted by WRPS, but was originally not provided an
20 accommodation.
21

22 298. Linda Thomas is a chemist with PNNL, she is seeking a religious and a medical
23 accommodation, accepted by PNNL, but she has been provided no accommodation.
24

25 299. James Thorne is a work control planner with WRPS seeking a religious
accommodation, accepted by WRPS, but he has been provided no accommodation.

1 300. Andrew Tucker is a firefighter/EMT with HMIS, he received the COVID-19
2 vaccine in August and September of 2021, and he did not apply for an exemption.

3 301. Daniel Turlington is an environmental compliance officer with CPCCo,
4 seeking a religious accommodation; when Mr. Turlington applied for the
5 accommodation in October 2021, he was not afforded an accommodation. On
6 November 30, 2021, CPCCO offered Mr. Turlington a temporary 60-day
7 accommodation effective January 18, 2022, under the following conditions: (1)
8 Compliance with published CDC masking and physical distancing guidance; (2)
9 Providing CPCCo with a minimum of one negative Covid-19 test each Monday before
10 noon; and (3) Continued ability to fulfill applicable CPCCo workplace requirements
11 (e.g. availability for random drug screening). Mr. Turlington accepted these conditions
12 on December 6, 2021. He was suspended without pay for four weeks on December 9,
13 2021 for an alleged unrelated matter.
14

15 302. Amanda Tyler is a civil engineer with WRPS; she submitted a religious
16 accommodation in October 2021, which was, accepted by WRPS, and was initially
17 provided no accommodation. On November 30, 2021, CPC WRPS CO offered Mrs.
18 Tyler a temporary 60-day accommodation effective January 18, 2022, under the
19 following conditions: (1) Compliance with published CDC masking and physical
20 distancing guidance; (2) Providing WRPS with a minimum of one negative Covid-19
21 test each Monday before noon; and (3) Continued ability to fulfill applicable WRPS
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1 workplace requirements (e.g. availability for random drug screening). Mrs. Tyler filed
2 a complaint with the EEOC and was issued Case No.: 551-2022-01089.but was
3 originally not provided an

4
5 303. Aric Tyler is a mechanical engineer with CPCCo, he submitted a religious
6 accommodation in October 2021, which was, accepted by CPCCo, and was initially
7 provided no accommodation (October 26 and 28, 2021). On November 30, 2021,
8 CPCCO offered Mr. Tyler a temporary 60-day accommodation effective January 18,
9 2022, under the following conditions: (1) Compliance with published CDC masking
10 and physical distancing guidance; (2) Providing CPCCo with a minimum of one
11 negative Covid-19 test each Monday before noon; and (3) Continued ability to fulfill
12 applicable CPCCo workplace requirements (e.g. availability for random drug
13 screening). On December 8, 2021, Mr. Tyler filed a complaint with the EEOC and was
14 issued Case No.: 551-2022-00930.
15
16

17
18 304. Eva Upchurch is a Supply Chain Administrator with CPCCo; she submitted a
19 religious exemption, accepted by CPCCo, and received a temporary, 60-day
20 accommodation, which includes weekly testing on her own personal time and funds,
21 teleworking, and not being able to physically go to the office. These accommodations
22 are open to re-evaluation after 60 days.
23

24 305. Brandt Urwin is a fieldwork supervisor seeking a religious accommodation.

25 306. Jeff VanDerPol is a nuclear safety specialist with DOE, he has submitted a

1 religious accommodation, accepted by DOE, but was originally not provided an
2 accommodation.

3 307. Angela Villarreal is an Operations Support Specialist with HMIS, she has
4 submitted a religious exemption, accepted by HMIS, but was originally not provided an
5 accommodation despite having teleworked as needed since August 2020, having a
6 positive antibody test, and her willingness to social distance and wear a mask and/or test
7 regularly.
8

9
10 308. Aaron Webber is a security police officer III with HMIS, has sought the
11 accommodation to maintain the status quo with mask-wearing and social distancing,
12 and has had no accommodation.

13
14 309. Ryan Weideman is a security police officer II with HMIS, he has submitted a
15 religious exemption, accepted by HMIS, but was originally not provided an
16 accommodation.

17
18 310. William Weisberg is a project controls specialist with Corporate Allocation
19 Service/Katami Government Services, he has submitted a religious exemption, accepted
20 by Katami, and was granted the accommodation to complete weekly or bi-weekly
21 testing.
22

23 311. Shawn D. Welker is a captain with Hanford Patrol, whose employer is HMIS,
24 he has submitted a religious exemption, accepted by HMIS, but was initially offered no
25 accommodation. Mr. Welker contacted HR, attempting to engage in an “interactive

1 process” with regards to a potential accommodation for retaining employment with
2 Hanford Patrol under HMIS. HMIS offered revised temporary accommodation to Mr.
3 Welker with the conditions that: 1) he wear a mask at all times except when eating,
4 drinking or as allowed to perform work; 2) he social distance and isolate to the
5 maximum extent possible; 3) he submits weekly negative COVID-19 test results to his
6 manager upon start of shift each week, or as otherwise directed by HMIS, beginning
7 January 18, 2022. Mr. Welker must conduct his tests during his personal time and at
8 his expense. Mr. Welker started the EEOC process due to lack of communication from
9 HR, as they failed to respond to the many questions he asked to better inform himself
10 prior to accepting accommodations. He received the EEOC (INQUIRY) NUMBER:
11 551-2022-01177. He has yet to be able to schedule his interview and is awaiting the
12 opportunity
13
14
15

16 312. Hans Wellenbrock is a communications specialist with CPCCo he has
17 submitted a religious exemption, accepted by CPCCo. He was granted a temporary
18 accommodation for 60 days (February 2022), which requires weekly COVID-19
19 testing, exceeding the OSHA standards.
20

21 313. Trent Wellner is a security police officer III with HMIS, he has submitted a
22 religious exemption, accepted by HMIS, but was originally not provided an
23 accommodation.
24

25 314. Tobin Wells is a senior radiology technician seeking religious accommodation.

1 315. Kristina Whalen is an operation support specialist with CPCCo, she has
2 submitted a religious exemption, accepted by CPCCo, but was originally not provided
3 an accommodation. Ms. Whalen has filed a complaint with the EEOC and is awaiting
4 an appointment to conduct an interview.
5

6 316. Daniel Wharton is an is an electrician with PNNL, he has submitted a religious
7 exemption, accepted by PNNL, but was originally not provided an accommodation.
8

9 317. Nathaniel Wick is a security police officer III with HMIS, he has submitted a
10 religious exemption, accepted by HMIS, but was originally not provided an
11 accommodation.
12

13 318. Wendy Wilde is a work control PM planner with CPCCo, she has submitted a
14 religious exemption, accepted by CPCCo, but was originally not provided an
15 accommodation.
16

17 319. Keaton Williams is a security police officer with HMIS, he has submitted a
18 religious exemption, accepted by HMIS, but was originally not provided an
19 accommodation.
20

21 320. Logan Williams is an industrial hygiene technician for WRPS, he has submitted
22 a religious and medical exemption as he was hospitalized from COVID-19 in September
23 2021, remains on oxygen, and is still recovering from COVID-19. On October 15, 2021,
24 Mr. Williams' doctor provided a note, stating that he is a "poor candidate" for the
25 COVID-19 vaccine. His exemption was accepted by WRPS, but Mr. Williams has been

1 provided no accommodation.

2 321. Brian Williamson is a Health Physicist with WRPS and was initially provided
3 no accommodation despite his willingness to social distance and wear a mask.

4 322. Nathaniel Wilson is a project engineer with WRPS; he submitted a religious
5 exemption, accepted by WRPS, and was initially provided no accommodation. Mr.
6 Wilson received a COVID-19 Vaccination Exemption Accommodation Revision letter
7 offering hi a temporary 60-day accommodation that permits him to continue his present
8 work assignment, subject to the following conditions: 1) he must comply with CDC
9 guidance for masking; 2) he must comply with CDC guidance for physical distancing;
10 3) he must provide a minimum of one negative COVID-19 test to his manager, taken
11 within 72 hours prior to start of shift or scheduled start time, which he must pay for and
12 perform during his own time; 4) he must be able to fulfill applicable WRPS workplace
13 requirements. The temporary accommodation begins on January 18, 2022 and lasts
14 until March 18, 2022, at which time the accommodation will be re-evaluated. But was
15 originally not provided an

16 323. Robert Wood is project manager with WRPS, he has submitted a religious
17 exemption, accepted by WRPS, but was originally not provided an accommodation.

18 324. Paul Wulff is a janitor at the Hanford Site he has submitted a religious
19 exemption, accepted by employer, but was originally not provided an accommodation.
20 Mr. Wulff has a positive COVID-19 antibody test.

1 325. Christopher Yaroch is a Physical Security Specialist with DOE; he submitted a
2 religious exemption and has yet to hear back if he will be granted an accommodation
3 despite his willingness to continue teleworking, as he has successfully done so since
4 March 23, 2020.

5
6 326. Tim York is an electrician with HMIS, he has submitted a religious exemption,
7 accepted by HMIS, but was originally not provided an accommodation. Mr. York has a
8 positive COVID-19 antibody test.

9
10 327. Robert Zane is an industrial hygienist with CPCCo, he has submitted a religious
11 exemption, accepted by CPCCo, but was originally not provided an accommodation.

12 **FACTS**

13
14 328. On September 9, 2021, President Joseph R. Biden issued Executive Order
15 14042 requiring vaccination of all employees of federal contractors.

16 329. On September 9, 2021, President Joseph R. Biden issued Executive Order
17 14043 requiring vaccination of all federal employees.

18
19 330. On September 15, 2021, Defendants enacted a workplace mandate, requiring
20 that by December 8, 2021, all workers either become fully vaccinated against COVID-
21 19 or receive a workplace exemption from the requirement to become fully listed.

22
23 331. Plaintiffs filed this action on November 18, 2021 to allow as much time as
24 possible to receive religious or medical accommodations, exempting each from the
25 COVID-19 vaccine mandate, while taking the action as promptly as possible.

1 332. Some Plaintiffs, such as Pamela Hartsock, have completed the administrative
2 remedy with the EEOC and have received a Notice of Right to Sue letter. Others have
3 filed with the EEOC and have received a Case Number. Others are still awaiting a
4 Case Number.

5
6 333. Several United States Federal District Courts have ruled that Executive Order
7 14042 exceeds FPASA.

8
9 334. On November 5, 2021, the Occupational Safety and Health Administration
10 promulgated an Emergency Temporary Standard, published at 29 CFR 1910, Subpart
11 U (the “ETS”).

12 335. The ETS is significantly less restrictive than the Executive Orders as it provides
13 exceptions to the vaccination requirements for remote and outdoor and also allows for
14 unvaccinated employees to mask and test. The Executive Orders allow for no such
15 exemptions.
16

17 336. On January 13, 2022, the United States Supreme Court in *National Federation*
18 *of Independent Business* ruled that the OSHA ETS is not justified as the ETS:

- 19
- 20 a. Is not plainly authorized by the Occupational Safety and Health Act of 1970.
21 *National Federation of Independent Business (per curiam)* (slip op., at 6);
 - 22 b. That COVID-19 is not an occupational hazard. *Id.* at 7; and
 - 23 c. That “targeted regulations are plainly permissible.” *Id.*
- 24

25 337. The DOE and its several prime contractors have refused to provide religious or

1 medical accommodations in many cases, and in the few cases where such
2 accommodations are offered, they are transitory in nature and/or subject to withdrawal
3 or unreasonable conditions. These enforcement actions regarding the Executive Orders
4 arbitrarily demanded that Plaintiffs and other staff of the Defendants become vaccinated
5 by December 8, 2021 and have since been extended, first to January 18, 2022, and now
6 through March 18, 2022.
7

8 338. While accepting every single exemption as sincere, very few accommodations
9 were offered to exemption seeking personnel. The denials and/or conditions imposed
10 upon accommodations have been arbitrary and capricious.
11

12 339. Some similarly situated personnel employed by other DOE contractors
13 performing work at the Hanford Site are receiving religious and medical exemptions,
14 and reasonable accommodation, to the same vaccination requirement. Likewise, other
15 similarly situated personnel within the community (local police and firefighting
16 personnel) are not subjected to a COVID-19 vaccination requirement.
17
18

19 340. Defendants' decisions regarding vaccine mandates have been unequally
20 applied and are arbitrary and capricious where some DOE Hanford contractors and/or
21 employees are not subject to the same requirements. In fact, some Defendants have
22 arbitrarily granted certain Plaintiff accommodation requests while denying similarly
23 situated Plaintiff requests for accommodation.
24

25 341. Despite months of contact tracing, as evidenced by a November 5, 2021

1 response to a FOIA request, the CDC possesses no record or other legally cognizable
2 evidence of individuals with natural immunity becoming reinfected and infecting
3 another individual.

4 342. Defendants' failure to recognize and make rational differentiation regarding
5 Plaintiffs who can demonstrate natural immunity is arbitrary and capricious.

6 343. Defendants' enforcement of the Executive Orders will seriously unnecessarily
7 endanger the lives, health and welfare of the citizens of Benton County and surrounding
8 areas as the Hanford Guard Unit will be significantly understaffed, resulting in limited
9 security and protection of the Hanford Site and the general public.

10 344. Defendants' actions to enforce the Executive Orders are further demonstrated
11 to be arbitrary, capricious, and intended to be discriminatory against protected classes,
12 where the mandate applies to individuals who telework or work entirely outdoors.

13 345. Defendants' actions to enforce the Executive Orders are further arbitrary and
14 capricious where some Plaintiffs could be accommodated by utilizing PPE and testing,
15 in a manner consistent with less stringent OSHA regulations (not declared
16 unconstitutional).

17 346. In addition to risking public safety, wrongful termination of these individuals
18 could expose the United States and its contractors to millions of dollars in liability for
19 lost wages and pensions, along with other damages, including loss of benefits.

20 347. The DOE management, including Secretary Granholm and Mr. Vance, have
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1 adopted and implemented these requirements in regard to the DOE and DOE contractor
2 workforces, including each Plaintiff.

3 **FIRST CAUSE OF ACTION**

4 **Free Exercise of Religion (First Amendment of the United States Constitution**
5 **and the Religious Freedom Restoration Act of 1993 [42 U.S.C. § 2000bb, *et. seq.*]**
6 **and 42 U.S.C. § 1983)**

7
8 348. Plaintiffs incorporate each of the Complaint allegations stated above herein.

9
10 349. Plaintiffs with sincere religious beliefs, which prohibit their taking the
11 vaccination, have had those beliefs accepted as sincere by their respective employers.

12 350. Individuals determining COVID-19 exemption requests are effectively
13 religious discrimination, persecution and denial of free exercise of religion, by refusing
14 to accommodate the overwhelming majority of accepted religious objections.

15
16 351. Each employer was required in carrying out the purported compelling purpose
17 of the Executive Orders to make reasonable accommodations in a consistent and
18 common-sense manner which, among other things, could include following the less
19 restrictive OSHA standards (themselves now declared unconstitutional) e.g., by
20 requiring testing for COVID-19 and mask-wearing for individuals working indoors.

21
22 352. Defendants could also take temperatures and continue to require social distance
23 in many circumstances.

24
25 353. As indicated above, some of the Plaintiffs have had COVID-19 and possess

1 natural immunity, such natural immunity should be considered – those Plaintiffs could
2 be accommodated by the Defendants doing nothing and still achieve their purported
3 compelling purpose of the Executive Orders of protecting against the spread of COVID-
4 19. Since this case was initially filed, new evidence has disclosed that the required
5 vaccines do not reduce the spread of COVID-19 to the extent asserted by the
6 Government Defendants in connection with the Executive Orders. This is a further
7 changed circumstance which renders enforcement of the Executive Orders arbitrary and
8 capricious.
9
10

11 354. Regardless, Plaintiffs’ individual employers are forcing Plaintiffs to choose
12 between their sincerely held religious beliefs and maintaining employment due to their
13 individual employer’s approach to religious accommodations to the one-size-fits-all
14 COVID-19 vaccine requirements.
15

16 355. Infringement on Plaintiffs’ Free Exercise rights, including the Religious
17 Freedom Restoration Act (“RFRA”) requires the application of strict scrutiny to any
18 denial of free exercise. *Tanzin v. Tanvir*, 141 S. Ct. 486 (2020) (Permitting “litigants,
19 when appropriate, to obtain money damages against federal officials in their individual
20 capacities.” *Id.* at 493)). Executive Order 14042, and actions taken by Defendants
21 Vance and each Contractor-Defendant, coerces Plaintiffs into either violating their
22 sincerely held religious beliefs or losing their livelihoods. This enforcement mechanism
23 of the Executive Orders presents an egregious, not a small or incidental burden on the
24
25

1 exercise of their sincerely held religious beliefs.

2 356. RFRA, defines the term “government” to include “a branch, department,
3 agency, instrumentality, and official (or other person acting under color of law) of the
4 United States, or of a covered entity.” All named Defendants are either representatives
5 acting under color of law or legally constitute an instrumentality of the United States
6 government. See: 42 U.S.C. 2000bb(b)(1)-(2).
7

8 **SECOND CAUSE OF ACTION**

9
10 **357. Violation of Equal Protection, 14th Amendment of the United States**
11 **Constitution** Plaintiffs incorporate each of the Complaint allegations stated above
12 herein.

13 358. The equal protection clause of the Fourteenth Amendment to the U.S.
14 Constitution requires the government to treat an individual in the same manner as others
15 in similar conditions and circumstances.
16

17 359. The Fourteenth Amendment further recognizes and guarantees fundamental
18 rights and liberty interests of personal autonomy and bodily integrity.
19

20 360. Some DOE Hanford contractors are allowing accommodations.

21 361. The Executive Orders are significantly more restrictive than the ETS.

22 362. As indicated above, some of the Plaintiffs have had COVID-19 and possess
23 natural immunity, such natural immunity should be considered – those Plaintiffs could
24 be accommodated by Defendants doing nothing and still achieving their purported
25

1 compelling purpose of the Executive Orders.

2 363. Plaintiffs are entitled to equal protection under the law; they are not receiving
3 it. More specifically, contractor-employed Plaintiffs are not receiving equal protection
4 by their individual employers through the contractual obligations flowing from
5 Executive Order 14042, and DOE-employed Plaintiffs' equal protections are directly
6 violated by DOE through its enactment of Executive Order 14043.
7

8 **THIRD CAUSE OF ACTION**

9 **Infringement of Privacy Rights and Violation of 42 USC § 1983**

10 364. Plaintiffs incorporate each of the Complaint allegations stated above herein.

11 365. Plaintiffs have a privacy right in their religious practice.

12 366. Plaintiffs have a privacy right in their bodily integrity and a corresponding right
13 to bodily integrity and sovereignty over their own bodies. See: *Griswold v. Connecticut*,
14 381 U.S. 479 (1965); *Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Roe v. Wade*, 410 U.S.
15 11 (1973); *Planned Parenthood v. Casey*, 505 U.S. 833 (1992); and *Lawrence v. Texas*,
16 539 U.S. 558 (2003). Plaintiffs also have a right to refuse to accept medical treatment
17 even when their own lives might be in jeopardy. *Cruzan v. Director Missouri Dept. of*
18 *Health*, 497 U.S. 261(1990) and *Riggins v. Nevada*, 504 U.S. 127 (1992).
19

20 367. Both rights have been violated in the way that Plaintiffs' sincere beliefs and
21 medical concerns have been challenged and disparaged by Defendants.
22

23 368. In enforcing the vaccine mandates the Defendant Government Officials have,
24
25

1 in part, acted under color of state, as well as federal law.

2 **FOURTH CAUSE OF ACTION**

3 **Violation of the Federal Property and Administrative Services Act(“FPASA”)**

4 **(40 U.S.C. §§ 101 and 121)**

5 369. Plaintiffs incorporate each of the Complaint allegations stated above herein.

6 370. While the FPASA “vest[s] broad discretion in the President” it does not provide
7 the President with “a blank check to fill at his will.” *Chamber of Commerce of the*
8 *United States v. Reich*, 74 F.3d 1322, 1330 (D.C. Cir. 1996) quoting *AFL-CIO v. Kahn*,
9 618 F.2d 784, 793 (D.C. Cir. 1979) (en banc). “The procurement power must be
10 exercised consistently with the structure and purposes of the statute that delegates that
11 power.” *Id.* at 1330-31.

12 371. Several United States District Courts have held that Executive Order 14042
13 violate the FPASA. See *Georgia, et al., v. Joseph R. Biden, et al.*, 1:21-cv-163, ECF 94
14 (S.D. Ga. Nov. 30, 2021) (Baker, J.); *Kentucky, et al., v. Joseph R. Biden, et al.*, 3:21-
15 cv-55, ECF 50 (E.D. Ky. Nov. 11, 2021) (Van Tatenhove, J.); *Missouri, et al. v. Joseph*
16 *R. Biden, et al.*, 4:21-cv-1300, ECF 36 (E.D. Mo. Dec, 20, 2021) (Noce, M.J.); and
17 *Florida v. Nelson, et al.*, 8:21-cv-2524 (December 22, 2021) (Merryday, J.).
18 Importantly, in *Georgia v. Joseph R. Biden*, Judge Bake issued a nationwide injunction
19 hold that Executive Order 14042 exceeds FPASA’s authorization.

20 372. The purpose of the FPASAFPASA is to provide the Federal Government

1 with an “economical and efficient system” for, among other things, procuring and
2 supplying property and nonpersonal services. 40 U.S.C. § 101. The Executive Orders,
3 however, will actually and materially undermine the efficient and economical delivery
4 of property and services by disrupting the continuity of the contractor workforce, and
5 rendering federally operated nuclear facilities unsafe.
6

7 373. The purpose of the FPASA is *not* to impose a sweeping vaccination mandate
8 on broad swaths of the American people or to use the federal procurement system as a
9 proxy for implementing a nationwide public health mandate, nor was the FPASA
10 designed as a public health statute.
11

12 374. The FPASA empowers the President to “prescribe policies and directives that
13 [he] considers necessary to carry out [the FPASA.]” 4 U.S.C. § 121(a). Those
14 policies “*must* be consistent with” the FPASA’s purpose, i.e., promoting economy
15 and efficiency in federal contracting. *Id.* § 121(a) (emphasis added).
16

17 375. The President has failed to demonstrate a “nexus” between the Executive
18 Orders and the FPASA’s purpose of promoting an “economical and efficient system”
19 for federal contracting. 40 U.S.C. § 101; *see Am. Fed’n of Lab. & Cong. of Indus.*
20 *Organizations v. Kahn*, 618 F.2d 784, 793 (D.C. Cir. 1979) (explaining that the FPASA
21 is violated when the President does not demonstrate a “nexus” between executive action
22 and the FPASA’s policy). The FPASA’s text obligates the President to exercise his
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24
25

1 statutory authority “consistently with [the Act’s] structure and purposes.” *Id.*

2 376. Instead, the Executive Orders exceed the President’s FPASA authority by
3 directing the Task Force, without a demonstrable nexus to the FPASA’s purpose, to
4 prescribe a sweeping public health scheme.

5
6 377. Here, the text of the FPASA clearly demonstrates that Congress has not
7 authorized the Executive Orders, and thus, the Executive Orders violate the FPASA.

8
9 378. Further, before the executive branch may regulate a major policy question of
10 “great and economic and political significance”—such as mandating vaccination for
11 every employee of every federal contractor in the country—Congress must “speak
12 clearly” to assign the authority to implement such a policy. *Ala. Ass’n of Realtors v.*
13 *Dep’t of Health & Hum. Servs.*, 141 S. Ct. 2485, 2489 (2021) (citing *Util. Air Regul.*
14 *Grp. v. E.P.A.*, 573 U.S. 302, 324 (2014)).

15
16 379. When the federal government intrudes on a traditional state function, it must
17 clearly articulate the scope of the intrusion and the rationale behind its unprecedented
18 action, which it has not done here. *Gregory v. Ashcroft*, 501 U.S. 452, 463–64(1991).

19
20 380. The Executive Orders implicate critical issues of federalism as public health
21 and the regulation of inoculation regimes are traditional state functions.

22
23 381. Because the statutory language that the President relies on to issue The
24 Executive Orders do not contain a clear statement affirmatively sanctioning the broad
25

1 scope of the Executive Orders, they violate the FPASA.

2 382. Therefore, under both the plain text of the FPASA and the clear statement
3 principle, it is unlawful, and thus the Executive Orders are unenforceable.

4 383. The first COVID-19 case in United States occurred in Everett, WA, January
5 20, 2020; President Biden issued the Executive Orders on September 8, 2021, a delay
6 of twenty-one months.
7

8 **FIFTH CAUSE OF ACTION**

9 **Violation of Federal Procurement Policy (41 U.S.C. § 1707(a))**

10 384. Plaintiffs incorporate each of the Complaint allegations stated above herein.

11 385. Pursuant to 41 U.S.C. § 1707(a)(1), a procurement policy may not take effect
12 until 60 days after it is published for public comment in the Federal Register if it
13 relates to the expenditure of appropriated funds; and has a significant effect beyond the
14 internal operating procedures of the issuing agency; or has a significant cost or
15 administrative impact on contractors or offerors.
16
17

18 386. The Executive Orders will require contractors to develop, implement, and
19 monitor a host of new policies and procedures impacting, for some contractors, their
20 entire workforce. In order to fully comply with the Executive Orders, contractors will
21 have to fire any covered employee who refuses to be vaccinated and has not asserted an
22 exemption.
23
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1 387. Federal agencies will have to budget for and expend appropriated funds to
2 administratively implement the Executive Orders and, thereafter, compensate
3 contractors for their increased cost of compliance in violation of § 1707(a). Likewise,
4 DOE will incur additional costs associated with its vaccination incentivization program.
5

6 388. Because the Executive Orders requires vaccination of hundreds of thousands,
7 if not millions, of Americans, it certainly has “a significant effect beyond internal
8 operating procedures” in violation of § 1707(a).
9

10 389. The Executive Orders also have a significant cost or administrative impact
11 on current contractors, future contractors, and offerors in violation of § 1707(a).
12

13 390. Despite being required to be published for public comment in the Federal
14 Register, President Biden failed to publish the Task Force Guidance containing the
15 Contractor Mandate in the Federal Register as required by 41 U.S.C. § 1707(a)(1).
16

17 391. Moreover, President Biden failed to provide the required 60-day comment
18 period before the Task Force Guidance and Executive Orders became effective.
19

20 392. Further, the requirements of 41 U.S.C. § 1707(a) were never waived with
21 regard to the Executive Orders.
22

23 393. Accordingly, President Biden failed to comply with 41 U.S.C. § 1707(a) when
24 issuing the OMB Determination and the Task Force Guidance, making the Executive
25 Orders invalid as a matter of law.

SIXTH CAUSE OF ACTION

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Nondelegation Claim (Article I, Section 1 of the United States Constitution)

394. Plaintiffs incorporate each of the Complaint allegations stated above herein.

395. Pursuant to Article I, Section 1 of the United States Constitution, Congress is vested with all legislative powers.

396. “Congress is not permitted to abdicate or to transfer to others the essential legislative functions with which it is thus vested.” *A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495, 529–30 (1935).

397. The executive branch can only exercise its own discrete powers reserved by Article II of the United States Constitution and such power that Congress clearly authorizes through statutory command.

398. Congress gives such authorization when it articulates an intelligible principle to guide the Executive that not only sanctions but also defines and cabins the delegated legislative power.

399. Under the nondelegation doctrine, Congress cannot simply offer a general policy that is untethered to a delegation of legislative power. For a delegation to be proper, Congress must articulate a clear principle or directive of its congressional will within the legislative act. That is, Congress must “lay down by legislative act an intelligible principle to which the person or body authorized to exercise the delegated

1 authority is directed to conform.” See *J.W. Hampton, Jr., & Co. v. United States*, 276
2 U.S. 394, 409 (1928). The principle must be binding, and the delegate must be “directed
3 to conform” to it. *Id.*

4 400. The nondelegation doctrine preserves and protects important tenets of our
5 democracy, including individual liberties and states’ rights.

7 401. The President’s direct delegation of authority to the OMB Director and the
8 Task Force gives OMB unconstitutional and unconstrained rulemaking authority
9 without a statutory directive.
10

11 402. The President’s indirect delegation to the federal agencies of broad authority
12 and discretion to enforce the already unconstitutional Contractor Mandate is
13 unsupported by an explicit statutory directive within the FPASA or any other federal
14 law.
15

16 403. Thus, the President’s actions lack the requisite congressional direction in two
17 regards:
18

19 a. First, Congress did not articulate clear or sufficient instructions in the FPASA
20 directing the President to implement this public health policy scheme by executive
21 order.
22

23 b. Second, even if Congress did clearly authorize a national vaccination schedule
24 for federal contractors, it did not give sufficiently clear instructions to permit the
25

1 President to delegate legislative judgment to the Task Force or the OMB Director.

2 404. The Executive Order's reliance on the precatory statement of purpose in the
3 FPASA is not a clear directive, and neither the President nor the federal agencies can
4 rely on it to impose an intrusive and sweeping vaccine mandate.
5

6 405. Further, any delegation sanctioning broad and intrusive executive action cannot
7 be sustained without clear and meaningful legislative guidance, especially given the
8 important separation of powers and federalism concerns implicated. Under the
9 nondelegation doctrine, the Executive Orders are unconstitutional because Congress
10 did not articulate a clear principle by a legislative act that directs the Executive to take
11 sweeping action that infringes on state and individual rights.
12

13 406. Here, the Executive Orders cut deeply into the state's sphere of power without
14 articulating the underlying reasons or providing a justification beyond a superficial,
15 unsupported, and pretextual reference to efficiency and economy in federal contracts.
16

17 407. Without *explicit* congressional authorization, the President's delegation of
18 power in the Executive Orders through the various executive agencies and private actors
19 implementing the Executive Orders cannot survive constitutional scrutiny.
20

21 **SEVENTH CAUSE OF ACTION**

22 **Violation of Separation of Powers and Federalism (Article I, Section 8 and**
23 **Amendment X to the United States Constitution)**
24

25 408. Plaintiffs incorporate each of the Complaint allegations stated above herein.

1 409. To the extent President Biden argue that the Executive Orders are authorized,
2 such authorization would violate the Constitution’s nondelegation principles.

3 410. The Executive Orders exceed congressional authority.

4 411. Pursuant to Article I, Section 8 of the United States Constitution, Congress has
5 authority “to make all Laws which shall be necessary and proper for carrying into
6 Execution” its general powers (“the Necessary and Proper Clause”). The Necessary and
7 Proper Clause does not “license the exercise of any ‘great substantive and independent
8 power[s]’ beyond those specifically enumerated.” *Nat’l Fed’n of Indep. Bus. v.*
9 *Sebelius*, 567 U.S. 519, 559 (2012) (citation omitted).
10
11

12 412. Pursuant to the Tenth Amendment of the United States Constitution, “the
13 powers not delegated by the Constitution to the United States, nor prohibited by it to
14 the States, are reserved to the States respectively, or to the people.” U.S. Const. amend.
15 X.
16

17 413. Nothing in the Constitution authorizes the federal agencies of the executive
18 branch to impose the Executive Orders on states because requiring vaccinations for state
19 employees is an exercise of the police power left to the states under the Tenth
20 Amendment.
21

22 414. The Constitution does not empower Congress to require anyone who transacts
23 business with the federal government to get vaccinated. It is not a “proper” exercise of
24 Congress’s authority to mandate that every employee who touches a federal contract or
25

1 comes in contact with another employee who touches such a contract, has to be
2 vaccinated because the action here falls outside the scope of an Article I enumerated
3 power.

4 415. President Biden, through the Executive Order, has exercised power that
5 Congress does not possess under the Constitution and, therefore, cannot delegate to
6 other branches of the federal government.

7
8 416. If Congress intended the FPASA to authorize what the President claims, the
9 Act exceeds Congress's authority, and thus President Biden must be enjoined from
10 taking any action under the Act.
11

12 **EIGHTH CAUSE OF ACTION**

13 **Violation of the 10th Amendment of the United States Constitution**

14 417. Plaintiffs incorporate each of the Complaint allegations stated above herein.

15 418. Pursuant to the Tenth Amendment of the United States Constitution, "the
16 powers not delegated by the Constitution to the United States, nor prohibited by it to
17 the States, are reserved to the States respectively, or to the people." U.S. Const. amend.
18

19 X. President Biden, through the Executive Order, has exercised power far beyond
20 authority delegated to the federal government by Constitutional mandate or
21 congressional action.
22

23 419. Neither Article II of the U.S. Constitution nor any act of Congress authorizes
24
25

1 the federal agencies of the executive branch to implement the Executive Order, which
2 traditionally falls under the police power left to the states under the Tenth
3 Amendment.

4 420. The Tenth Amendment explicitly preserves the “residuary and inviolable
5 sovereignty,” of the states. *Printz v. United States*, 521 U.S. 898, 918–19 (1997)
6 (quoting *The Federalist* No. 39, at 245 (J. Madison)).
7

8 421. By interfering with the traditional balance of power between the states and the
9 federal government and by acting pursuant to ultra vires federal action, President Biden
10 violated this “inviolable sovereignty,” and thus, the Tenth Amendment.
11

12 422. Therefore, the Executive Orders were adopted pursuant to an unconstitutional
13 exercise of authority by President Biden and must be invalidated.
14

15 NINTH CAUSE OF ACTION

16 **Unconstitutional Exercise of the Spending Clause (Under Article I, Section 8,** 17 **Clause 1 of the United States Constitution)** 18

19 423. Plaintiffs incorporate each of the Complaint allegations stated above herein.

20 424. The challenged actions are unconstitutional conditions on the states’ receipt
21 of federal funds. Article I, Section 8, Clause 1 of the United States Constitution gives
22 Congress the power to “lay and collect Taxes, Duties, Imposts, and Excises, to pay the
23 Debts and provide for the common Defense and the general Welfare of the United
24
25

1 States.” While “Congress may attach appropriate conditions to . . . spending
2 programs to preserve its control over the use of federal funds,” it cannot wield
3 federal funding to unreasonably constrain state autonomy. *Nat’l Fed’n of Indep.*
4 *Bus. v. Sebelius*, 567 U.S. 519, 579 (2012). “[I]n some circumstances the financial
5 inducement offered by Congress might be so coercive as to pass the point at which
6 ‘pressure turns into compulsion.’” *South Dakota v. Dole*, 483 U.S. 203, 211 (1987).
7

8 425. Federal contracts are an exercise of the Spending Clause, yet the challenged
9 actions ask The Employees to agree to a coercive contract term.
10

11 426. The federal contracts at issue here account for considerable portions of The
12 Employees’ budgets for essential research, education, and other necessary programs.
13 The pressure on The Employees to comply with the Executive Orders rise to the level
14 of coercion. The challenged actions are invalid for that reason alone.
15

16 **TENTH CAUSE OF ACTION**

17 **Violation of the APA (Under 5 U.S.C. § 706)**

18 427. Plaintiffs incorporate each of the Complaint allegations stated above herein.
19

20 428. Pursuant to 5 U.S.C. § 553, agencies must publish “a notice of proposed
21 rulemaking in the Federal Register before promulgating a rule that has legal force.”
22 *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S.Ct. 2367,
23 2384 (2020); 5 U.S.C. § 553(b).
24
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1 429. Pursuant to 48 C.F.R. 1.501, “significant revisions” to the FAR must be made
2 through notice-and-comment procedures. DOD, NASA, and the General Services
3 Administration must jointly conduct the notice-and-comment process. *Id.*

4 430. Instead of amending the FAR to implement this significant revision, the
5 FAR Council issued a purported “class deviation” without engaging in the notice-and-
6 comment process. *See* 5 U.S.C. § 553.

7 431. Proper “class deviations” must fit within one of the discrete definitions set forth
8 in 48 C.F.R 1.401.

9 432. Here, however, the FAR Deviation Clause fits none of the definitions.

10 433. Instead, the FAR Deviation Clause is in the nature of a rule within the meaning
11 of the APA because it is “an agency statement of general or particular applicability and
12 future effect designed to implement, interpret, or prescribe law or policy.” 5 U.S.C. §
13 551(4).

14 434. The FAR Council violated the APA by failing to comply with the notice-and-
15 comment requirements for rulemaking.

16 435. Good cause, assuming it exists in relation to the President’s Executive Order,
17 does not excuse the FAR Council’s failure to comply with the notice-and-comment
18 process. *See* 5 U.S.C. § 553(b)(3)(B).

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ELEVENTH CAUSE OF ACTION

Violation of the APA (Under 5 U.S.C. § 706)

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3 436. Plaintiffs incorporate each of the Complaint allegations stated above herein.

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5 437. Under the APA, a court must “hold unlawful and set aside agency action” that
6 is “not in accordance with law” or “in excess of statutory . . . authority, or limitations,
7 or short of statutory right.” *See* 5 U.S.C. § 706(2)(A), (C).

8
9 438. The OMB Determination adopting the Task Force guidance is contrary to law
10 for at least four reasons.

11 439. First, the OMB Determination violates 41 U.S.C. § 1303(a) because it is a
12 government-wide procurement regulation, which only the FAR Council may issue.

13
14 440. Executive Order 14042 apparently seeks to circumvent § 1303 by delegating
15 the President’s FPASA power to the OMB Director.

16
17 441. That attempt is unlawful because the President has no authority to issue
18 regulations under § 1303—only the FAR Council may issue government-wide
19 procurement regulations. *See* Centralizing Border Control Policy Under the Supervision
20 of the Attorney General, 26 Op. OLC 22, 23 (2002) (“Congress may prescribe that a
21 particular executive function may be performed only by a designated official within the
22 Executive Branch, and not by the President.”).

23
24 442. Second, and relatedly, the OMB rule is contrary to law because the FPASA
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1 does not grant the President the power to issue orders with the force or effect of law.
2 Congress authorized the President to “prescribe policies and directives that the
3 President considers necessary to carry out.” 40 U.S.C. § 121(a).

4 443. “[P]olicies and directives” describe the President’s power to direct the
5 exercise of procurement authority throughout the government. It does not authorize the
6 President to issue regulations himself.

7 444. Congress knows how to confer that power, as it authorized the GSA
8 Administrator, in the same section of the statute, to “prescribe regulations.” *Id.*
9 §121(c); *see also Sosa v. Alvarez-Machain*, 542 U.S. 692, 711 n.9 (2004) (“[W]hen
10 the legislature uses certain language in one part of the statute and different language in
11 another, the court assumes different meanings were intended.”).

12 445. Congress has given the President the power to “prescribe regulations” in other
13 contexts, typically in the realm of foreign affairs and national defense. *See, e.g.,* 18
14 U.S.C. § 3496 (“The President is authorized to prescribe regulations governing the
15 manner of executing and returning commissions by consular officers.”); 32 U.S.C. §
16 110 (“The President shall prescribe regulations, and issue orders, necessary to organize,
17 discipline, and govern the National Guard.”).

18 446. Third, even if the FPASA authorized the President to issue orders with the force
19 or effect of law, it would not authorize approval of the Task Force guidance. The
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1 President appears to assume that the FPASA’s prefatory statement of purpose
2 authorizes him to issue any order that he believes promotes “an economical and
3 efficient” procurement system. 40 U.S.C. § 101. In doing so, the President mistakenly
4 construes the prefatory purpose statement for a grant of authority. D.C. v. Heller, 554
5 U.S. 570, 578 (2008) (“[A]part from [a] clarifying function, a prefatory clause does not
6 limit or expand the scope of the operative clause.”).

8 447. Even if the FPASA did authorize the President to issue binding procurement
9 orders solely because they may promote economy and efficiency, the OMB
10 Determination does not adequately do so. Providing the federal government with an
11 “economical and efficient system for” procurement is not a broad enough delegation to
12 impose a national-scale vaccine mandate that Congress has not separately authorized.

13 448. Further, the Executive Orders are divorced from the practical needs of
14 procurement. In order to maintain a steady and predictable flow of goods and services—
15 and the advancement of science and technology through research and development—
16 the federal procurement system requires a stable and reliable workforce to timely
17 perform work required under tens of thousands of federal contracts and funding
18 agreements. The Executive Orders disrupt the stability and reliability of the contractor
19 workforce by forcing contractors to potentially fire unvaccinated and non-exempt
20 covered employees, many of whom are highly skilled and essential to the work.

21 449. Because the OMB Determination violates § 1303(a), seeks to exercise a

1 delegated power the President does not possess, and relies on a misreading of the
2 FPASA, it is contrary to law.

3 **TWELFTH CAUSE OF ACTION**

4 **Violation of the APA (5 U.S.C. § 706)**

5 450. Plaintiffs incorporate each of the Complaint allegations stated above herein.

6 451. Pursuant to the Administrative Procedure Act, agency action that is “arbitrary
7 [or] capricious” is unlawful and must be set as aside by a court of competent
8 jurisdiction. 5 U.S.C. § 706(2)(A).
9

10 452. Pursuant to 48 C.F.R. 1.402 “[u]nless precluded by law, executive order, or
11 regulation, deviations from the FAR may be granted [] when necessary to meet the
12 specific needs and requirements of each agency.”
13

14 453. The Executive Orders are being implemented with no express findings, no
15 explanation, and no consideration of the distinct and diverse universe of federal
16 agencies.
17

18 454. The Executive Orders impose universal and uniform requirements without
19 regard to the particularized needs and circumstances of each federal agency and are
20 therefore arbitrary and capricious in violation of the APA.
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22 **THIRTEENTH CAUSE OF ACTION**

23 **Commerce Clause (Article 1, Section 8, Clause 3 of the US Constitution)**

24 455. Plaintiffs incorporate each of the Complaint allegations stated above herein.
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1 456. The Executive Orders exceed the federal government’s authority under the
2 Commerce Clause as each Order regulates noneconomic inactivity that falls squarely
3 within the States’ police power as a person’s choice to remain unvaccinated and forgo
4 regular testing is noneconomic inactivity. *NFIB v. Sebelius*, 567 U.S. 519, 522 (2012)
5 (Roberts, C.J., concurring); *see also id.* at 652–53 (Scalia, J., dissenting). Mandating that
6 a person receive a vaccine or undergo testing falls squarely within the States’ police
7 power. *Zucht v. King*, 260 U.S. 174, 176 (1922) (noting that precedent had long “settled
8 that it is within the police power of a state to provide for compulsory vaccination”);
9 *Jacobson v. Massachusetts*, 197 U.S. 11, 25–26 (1905) (similar).

12 457. The Executive Orders, commandeer U.S. employers to compel millions of
13 employees to receive a COVID-19 vaccine or face termination. While the Commerce
14 Clause power is expansive, it does not grant Congress the power to regulate noneconomic
15 inactivity traditionally within the States’ police power. *See Sebelius*, 567 U.S. at 554
16 (Roberts, C.J., concurring) (“People, for reasons of their own, often fail to do things
17 that would be good for them or good for society. Those failures—joined with the
18 similar failures of others—can readily have a substantial effect on interstate
19 commerce. Under the Government’s logic, that authorizes Congress to use its
20 commerce power to compel citizens to act as the Government would have them act.
21 That is not the country the Framers of our Constitution envisioned.”); *see also Bond v.*
22 *United States*, 572 U.S. 844, 854 (2014) (“The States have broad authority to enact

1 legislation for the public good—what we have often called a ‘police power.’ . . . The
2 Federal Government, by contrast, has no such authority. . .” (Citations omitted)).
3 Indeed, the courts “*always* have rejected readings of the Commerce Clause . . . that
4 would permit Congress to exercise a police power.” *United States v. Lopez*, 514 U.S.
5 549, 584 (1995) (Thomas, J., concurring). In sum, the Executive Orders far exceed
6 current constitutional authority.
7

8 **RELIEF REQUESTED**

9
10 A. A Declaration that Executive Order 14042 and Executive Order 14043 are
11 unconstitutional for each Order’s infringement upon the Free Exercise of Religion, the
12 Religious Freedom and Restoration Act of 1993 and as each Order exceeds the FPASA.

13
14 B. A Temporary Restraining Order and Preliminary Injunction enjoining adverse
15 employment action against the Employees through any implementation of workplace
16 policies mandating COVID-19 vaccination pursuant to Executive Order 14042 or
17 Executive Order 14043.

18
19 C. Attorney fees as authorized by statute.

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21 D. Absent declaratory or injunctive relief, judgment in favor of each Plaintiff for
22 liability and damages to be determined by a jury of twelve.

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24 E. Any other remedy deemed reasonable by this Court.
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