

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

Zajonc v. T-Mobile US, Inc.

No. 3:25-cv-02860-JSC (N.D. Cal. June 2, 2025) · No. 3:25-cv-02860-JSC · Decided June 2, 2025

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
PAULA ZAJONC, Case No. 3:25-cv-02860-JSC 8 Plaintiff, ORDER RE: MOTION TO DISMISS
9 v. AND STRIKE 10 T-MOBILE US, INC., Re: Dkt. No. 8 Defendant. 11 12 13 Paula Zajonc
filed this putative class action in Alameda County Superior Court 14 challenging Defendant T-
Mobile’s denial of a religious exemption to its Covid-19 vaccine 15 requirement.

Plaintiff brings claims under the Fair Employment and Housing Act (FEHA), Cal. 16 Gov’t Code
§ 12940(a); California’s Unfair Competition Law (UCL), Cal. Bus. & Professions 17 Code §
17200; and for wrongful termination in violation of public policy. Defendant removed the 18
action to this Court based on diversity jurisdiction and moved to dismiss for failure to state a 19
claim.

(Dkt. No. 8.) After carefully considering the arguments and briefing submitted, the Court 20
concludes that oral argument is unnecessary, see Civ. L.R. 7-1(b), VACATES the June 5, 2025 21
hearing, and GRANTS Defendant’s motion with leave to amend. 22 DISCUSSION 23 Defendant
moves to dismiss each of Plaintiff’s three claims for relief. Plaintiff does not 24 oppose the motion
to dismiss the wrongful termination claim or to strike certain language in that 25 claim.¹ (Dkt.

No. 15 at 2, n.1.2) Plaintiff’s remaining FEHA and UCL claims are insufficiently 26 1 Defendant
moves to strike references to the violation of Labor Code §§ 226.7, 512, and 1194; 27 IWC Wage
Order No. 4-2001, §12. 1 pled and fail to state a claim. 2 First, to state a claim for religious
discrimination under Title VII or FEHA “a plaintiff 3 must allege, among other things, that she
holds ‘a bona fide religious belief’ that conflicts with an 4 employment requirement.” *Bolden-
Hardge v. Off. of California State Controller*, 63 F.4th 1215, 5 1222 (9th Cir.

2023) (quoting *Heller v. EBB Auto Co.*, 8 F.3d 1433, 1438 (9th Cir. 1993) (Title 6 VII); *Friedman
v. S. Cal. Permanente Med. Grp.*, 102 Cal.App.4th 39, 45 (2002) (FEHA)). 7 Plaintiff’s
perfunctory allegations fail to state a claim. (Complaint at ¶ 9 (“Plaintiff applied for a 8 religious
covid exemption, but T-Mobile rejected the exemption application, resulting in the 9 termination
of Plaintiff’s employment”; ¶ 10 “Plaintiff’s religious exemption was denied under a 10 common
policy implemented by T-Mobile applicable to all class members”; ¶ 26 (“religious 11 beliefs []
precluded [Plaintiff] from taking the Covid- 19 vaccine”).

Plaintiff does not allege facts 12 in support of her bona fide religious belief, the exemption she requested, or anything about 13 Defendant's denial. "Threadbare recitals of the elements of a cause of action, supported by mere 14 conclusory statements, do not suffice." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); see also 15 *Bolden-Hardge*, 63 F.4th at 1223 ("courts [are not required to] take plaintiffs' conclusory 16 assertions of violations of their religious beliefs at face value.").

Accordingly, Plaintiff's FEHA 17 claim is dismissed with leave to amend. 18 Second, the UCL defines unfair competition as "any unlawful, unfair or fraudulent 19 business act or practice." Cal. Bus. & Prof. Code, § 17200.

Because the statute "is written in the 20 disjunctive, it establishes three varieties of unfair competition" and each is a basis for liability. 21 *Cel-Tech Comm'n, Inc. v. Los Angeles Cellular Tel. Co.*, 20 Cal. 4th 163, 180 (1999) (citation 22 omitted). Plaintiff brings claims under all three UCL prongs. Plaintiff's "unlawful" claim is 23 predicated on the FEHA violation and thus must be dismissed.

See *Aleksick v. 7-Eleven, Inc.*, 205 24 Cal.App.4th 1176, 1185 (2012) ("When a statutory claim fails, a derivative UCL claim also 25 fails"). 26 Plaintiff also has not stated a claim under the unfair prong—she argues the conduct is 27 unfair because she was terminated based on her refusal to take the COVID vaccine for religious 1 *10 (N.D. Cal. Apr. 30, 2023) ("[t]he 'unfair' prong requires proving either: (1) the public policy 2 which is a predicate to a consumer unfair competition action is tethered to specific constitutional, 3 statutory or regulatory provisions, or (2) that the challenged business practice is immoral, 4 unethical, oppressive, unscrupulous, or substantially injurious to consumers.") (cleaned up).

5 Plaintiff's conclusory allegations simply parrot the statutory language and are insufficient to state 6 a claim. See *Landers v. Quality Commc'ns, Inc.*, 771 F.3d 638, 644 (9th Cir. 2014), as amended 7 (Jan. 26, 2015). (rejecting argument "c[on]clusory allegations that merely recite the statutory 8 language are adequate."). 9 Finally, Plaintiff alleges Defendant's "fraudulent conduct includes, but is not limited to, 10 falsely making statement [sic] which indicated that they would make exemptions for Class 11 members, but ultimately refusing to do so." (Dkt.

No. 1 at ¶ 40.) "A business practice is 12 fraudulent under the UCL if members of the public are likely to be deceived." *Davis v. HSBC 13 Bank Nevada, N.A.*, 691 F.3d 1152, 1169 (9th Cir. 2012). Plaintiff's perfunctory allegation which 14 does not even identify the allegedly false statements fails to state a claim under the UCL's 15 fraudulent prong. 16 Accordingly, Plaintiff's FEHA and UCL claims are insufficiently pled.

To state a claim 17 under either statute, Plaintiff must provide Defendant fair notice of the claims against it which 18 requires more than simply reciting the statutory language. *Iqbal*, 556 U.S. at 678 ("a complaint 19 must contain sufficient factual matter, accepted as true, to state a claim to

relief that is plausible on its face.”) (cleaned up). 21 CONCLUSION 22 For the reasons stated above, Defendant’s motion to dismiss is GRANTED with leave to 23 amend as to her FEHA and UCL claims.

Plaintiff’s wrongful termination is dismissed without 24 leave to amend. Plaintiff’s amended complaint is due June 26, 2025. Plaintiff may not add claims 25 or parties without further leave of court. 26 The initial case management conference set for June 25, 2025 is CONTINUED to July 30, 27 2025 at 2:00 p.m. via Zoom video. 1 This Order disposes of Docket No. 8.

2 IT IS SO ORDERED. 3 4 || Dated: June 2, 2025 je Std 5 JACQUELINE SCOTT CORLEY 6 United States District Judge 7 8 9 10 11 g 12 ii 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28