

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Elizabeth Combs; Thomas Johnston; Kimberly Herechberger;
Michelle Boltz v. PeaceHealth

Combs v. PeaceHealth · No. Civ. Nos. 6:23-cv-01486-AA, 6:23-cv-01892-AA, 6:24-cv-00246-AA · Decided
March 17, 2026

SUMMARY

The United States District Court for the District of Oregon grants PeaceHealth’s consolidated motion for summary judgment and motion to strike in actions brought by former employees alleging religious discrimination under Title VII and Oregon law arising from COVID-19 vaccination requirements. The court also addresses Michelle Boltz’s disability-discrimination claims under the ADA and Oregon law. The court strikes portions of plaintiffs’ expert testimony concerning vaccine efficacy, alternative treatments, and natural immunity, and concludes that the plaintiffs’ claims fail under PeaceHealth’s undue-hardship defense.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Ann Aiken
JURISDICTION	United States District Court for the District of Oregon
DECIDED	March 17, 2026
DOCKET	Civ. Nos. 6:23-cv-01486-AA, 6:23-cv-01892-AA, 6:24-cv-00246-AA
DISPOSITION	dismissed
PROCEDURAL POSTURE	Consolidated motions for summary judgment and to strike expert testimony in three federal civil actions asserting Title VII and Oregon religious-discrimination claims, plus Michelle Boltz's ADA and Oregon disability-discrimination claims.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The court views evidence and reasonable inferences in the nonmovant's favor but does not weigh evidence or make credibility determinations. Expert admissibility under Federal Rule of Evidence 702 is determined by the court as gatekeeper, with the proponent bearing the burden of showing admissibility by a preponderance of the evidence.

PRECEDENTIAL VALUE	unpublished district court opinion; persuasive only
PARTIES	Elizabeth Combs, Thomas Johnston, Kimberly Herechberger, Michelle Boltz v. PeaceHealth

TOPICS

religious discrimination

title vii

ada / disability

employment discrimination

daubert standard

PRACTICE AREAS

employment law

civil rights

health law

evidence

QUESTIONS PRESENTED

1. Whether Rose Walker-Patterson's proposed expert testimony was admissible under Federal Rule of Evidence 702 and Daubert.
2. Whether PeaceHealth established, on summary judgment, that accommodating the plaintiffs' religious objections to COVID-19 vaccination by allowing in-person work would impose an undue hardship under Title VII and Oregon law.
3. Whether PeaceHealth was required to provide additional individualized accommodations or create remote positions for plaintiffs despite its determination that in-person work by unvaccinated caregivers posed an unjustifiable risk.
4. Whether PeaceHealth established that accommodating Boltz's disability by allowing her to work in person while unvaccinated would impose an ADA undue hardship.
5. Whether Boltz, as an unvaccinated healthcare worker during the 2021 Delta-variant period, posed a direct threat that could not be eliminated or reduced by reasonable accommodation under the ADA.

HOLDINGS

1. Patterson's testimony was inadmissible in its entirety under Federal Rule of Evidence 702 because her opinions were not based on sufficient facts or data, were not the product of reliable principles and methods, and were not reliably applied to the facts of the case.
2. PeaceHealth was entitled to summary judgment on its undue-hardship defense because allowing the plaintiffs to work in person while unvaccinated, even with proposed precautions, would have imposed substantial health and safety, operational, and financial costs in relation to PeaceHealth's healthcare business.
3. PeaceHealth was not required to discuss or implement infeasible alternatives, create new remote positions, restructure the plaintiffs' jobs, or reassign work where no reasonable accommodation was available without undue hardship.
4. PeaceHealth established an ADA and Oregon-law undue hardship defense to Boltz's disability-accommodation claim.

5. PeaceHealth established that Boltz posed a direct threat to the health or safety of patients and others that could not be eliminated or reduced by reasonable accommodation.

KEY QUOTATIONS

“To prevail on an undue hardship defense under Groff v. DeJoy, 600 U.S. 447, 470–71 (2023), “an employer must show that the burden of granting an accommodation would result in substantial increased costs in relation to the conduct of its particular business.”” (Discussion Part II.B)

“A direct threat under the ADA is “a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.”” (Discussion Part III.B)

FACTUAL BACKGROUND

PeaceHealth, a large nonprofit healthcare system, required healthcare employees to receive COVID-19 vaccinations during the Delta-variant surge in 2021, subject to medical and religious exceptions. Combs, Johnston, Herechberger, and Boltz obtained religious exceptions, and Boltz also sought a medical exception; none could perform the essential functions of their jobs entirely remotely, and all were placed on unpaid administrative leave, later obtaining other employment or being terminated. PeaceHealth relied on evidence that unvaccinated caregivers posed increased transmission risks to medically vulnerable patients and staff, that alternative precautions were less effective than vaccination, and that hundreds of exception requests created substantial aggregate operational and financial burdens. Plaintiffs' expert, Rose Walker-Patterson, proposed that weekly testing and masking could have accommodated the plaintiffs but lacked supporting data and documentation and relied substantially on materials and drafting assistance from plaintiffs' counsel.

PROCEDURAL HISTORY

The plaintiffs sued their former employer PeaceHealth after receiving religious exceptions to PeaceHealth's COVID-19 vaccination requirement and being placed on unpaid administrative leave, later obtaining other employment or being terminated. The three cases were consolidated solely for briefing and decision concerning PeaceHealth's undue-hardship defense. PeaceHealth moved for summary judgment and to strike plaintiffs' expert testimony. The court granted both motions and dismissed the claims.

DISPOSITION

dismissed

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23, 325 (1986)
- Nissan Fire & Marine Insurance Co. v. Fritz Cos., 210 F.3d 1099, 1102 (9th Cir. 2000)
- Devereaux v. Abbey, 263 F.3d 1070, 1076 (9th Cir. 2001)
- Clicks Billiards, Inc. v. Sixshooters, Inc., 251 F.3d 1252, 1257 (9th Cir. 2001)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252, 255 (1986)

- Ricci v. DeStefano, 557 U.S. 557, 586 (2009)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 589-95 (1993)
- Ellis v. Costco Wholesale Corp., 657 F.3d 970, 982 (9th Cir. 2011)
- United States v. Holguin, 51 F.4th 841, 854 (9th Cir. 2022)
- In re Phenylpropanolamine (PPA) Products Liability Litigation, 289 F. Supp. 2d 1230, 1238 (W.D. Wash. 2003)
- Primiano v. Cook, 598 F.3d 558, 564 (9th Cir. 2010), as amended (Apr. 27, 2010)
- General Electric Co. v. Joiner, 522 U.S. 136, 146 (1997)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 43 F.3d 1311, 1316-17 (9th Cir. 1995)
- Intermedics, Inc. v. Ventritex, Inc., 139 F.R.D. 384, 395-96 (N.D. Cal. 1991)
- McClellan v. I-Flow Corp., 710 F. Supp. 2d 1092, 1118 (D. Or. 2010)
- Kumho Tire Co. v. Carmichael, 526 U.S. 137, 141, 147, 152 (1999)
- Pullom v. U.S. Bakery, 477 F. Supp. 2d 1093, 1100 (D. Or. 2007)
- Peterson v. Hewlett-Packard Co., 358 F.3d 599, 603, 606, 608 (9th Cir. 2004)
- Bolden-Hardge v. Office of California State Controller, 63 F.4th 1215, 1224 (9th Cir. 2023)
- Groff v. DeJoy, 600 U.S. 447, 470-71, 475 (2023)
- Petersen v. Snohomish Regional Fire & Rescue, 150 F.4th 1211, 1220 (9th Cir. 2025)
- Lavelle-Hayden v. Legacy Health, 744 F. Supp. 3d 1135, 1151-52 (D. Or. 2024)
- Bordeaux v. Lions Gate Entertainment, Inc., 703 F. Supp. 3d 1117, 1134, 1136 (C.D. Cal. 2023), aff'd, No. 23-4340, 2025 WL 655065 (9th Cir. Feb. 28, 2025)
- Melino v. Boston Medical Center, 127 F.4th 391, 397 (1st Cir. 2025)
- Hall v. Sheppard Pratt Health System, Inc., 155 F.4th 747, 754-55 (4th Cir. 2025)
- Kather v. Asante Health System, No. 1:22-CV-01842-MC, 2025 WL 1788267, at *7-*8 (D. Or. June 25, 2025)
- EEOC v. Townley Engineering & Manufacturing Co., 859 F.2d 610, 615 (9th Cir. 1988)
- Lake v. HealthAlliance Hospital Broadway Campus, 738 F. Supp. 3d 208, 220-21 (N.D.N.Y. 2024)
- Snapp v. United Transportation Union, 889 F.3d 1088, 1095, 1097 (9th Cir. 2018)
- Dunlap v. Liberty Natural Products, Inc., 878 F.3d 794, 798-99 (9th Cir. 2017)
- White v. York International Corp., 45 F.3d 357, 362 (10th Cir. 1995)
- Echazabal v. Chevron USA, Inc., 336 F.3d 1023, 1028 (9th Cir. 2003)
- Bragdon v. Abbott, 524 U.S. 624, 650 (1998)

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