

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON,
EUGENE DIVISION

Vanessa Buss v. PeaceHealth

Buss · No. 6:23-cv-01128-AA · Decided May 7, 2026

SUMMARY

The United States District Court for the District of Oregon granted PeaceHealth’s motion for summary judgment in Vanessa Buss’s disability-accommodation action under the Americans with Disabilities Act and Oregon law. The court held that Buss failed to establish that she was disabled under the ADA, including that her asserted hypersensitive immune system substantially limited a major life activity or that she had a record of, or was regarded as having, such an impairment. The court also addressed PeaceHealth’s undue-hardship and direct-threat defenses and excluded or rejected proposed expert evidence concerning ivermectin as an alternative to vaccination.

CASE DETAILS

COURT	United States District Court for the District of Oregon, Eugene Division
WRITING FOR THE COURT	Ann Aiken
JURISDICTION	United States District Court for the District of Oregon, Eugene Division
DECIDED	May 7, 2026
DOCKET	6:23-cv-01128-AA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought ADA and Oregon disability-accommodation claims against her former employer. The district court granted Defendant's motion for summary judgment.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law. The evidence must be viewed in the light most favorable to the nonmoving party, with all reasonable inferences drawn in that party's favor. The proponent of expert evidence must establish admissibility under Federal Rule of Evidence 702 by a preponderance of the evidence.

PRECEDENTIAL VALUE	District court opinion; binding only within the case and not binding circuit precedent
PARTIES	Vanessa Buss v. PeaceHealth

TOPICS

reasonable accommodation undue hardship disability discrimination expert testimony daubert standard

PRACTICE AREAS

employment law disability discrimination evidence civil rights health law

QUESTIONS PRESENTED

1. Whether Buss produced sufficient evidence that she was disabled under the ADA or Oregon disability law through an actual impairment, a record of impairment, or being regarded as having an impairment.
2. Whether Buss was a qualified individual who could perform the essential functions of her Quality Program Lead position with or without reasonable accommodation.
3. Whether ivermectin treatment or fully remote work was a reasonable accommodation that would avoid undue hardship to PeaceHealth.
4. Whether allowing Buss to work onsite while unvaccinated would pose a direct threat to the health or safety of others.
5. Whether Dr. Colleen Huber's proposed expert testimony concerning ivermectin was admissible under Federal Rule of Evidence 702 and Daubert.

HOLDINGS

1. Buss failed to produce evidence that her alleged hypersensitive immune system caused a physical or mental impairment that substantially limited one or more major life activities, that she had a record of such an impairment, or that PeaceHealth regarded her as having such an impairment. The court also rejected the argument that receiving a COVID-19 vaccination is itself a qualifying major life activity.
2. Buss could not perform all essential functions of her Quality Program Lead position fully remotely because her safety-responder and regulatory duties required onsite presence.
3. Even assuming Buss established a disability and prima facie accommodation claim, allowing her to work onsite while unvaccinated with ivermectin prophylaxis, or restructuring her position to permit fully remote work, would impose significant difficulty or expense and therefore constitute undue hardship under the ADA and Oregon law.
4. PeaceHealth was also entitled to summary judgment on its direct-threat defense because allowing Buss and similarly situated unvaccinated employees to work onsite, including with ivermectin treatment, posed a significant risk of substantial harm to others that the proposed accommodations would not eliminate or reduce.

5. Dr. Huber's testimony was inadmissible under Federal Rule of Evidence 702 and Daubert because she was not qualified to offer the proposed scientific opinions and her ivermectin opinion was not based on sufficient facts or data or reliable scientific methodology.

KEY QUOTATIONS

“Plaintiff fails to meet her burden to show that she was disabled under the ADA.” (Discussion, Part I)

“For these reasons, the Court concludes that Dr. Huber’s testimony is not admissible under Daubert and Rule 702 and excludes her testimony in its entirety.” (Discussion, Part II.A)

“On this record, no reasonable juror could conclude that PeaceHealth could have reasonably accommodated Plaintiff and the hundreds of other similarly situated unvaccinated employees without undue hardship.”
(Discussion, Part II.C)

“For the reasons explained above, Defendant’s Motion for Summary Judgment, ECF No. 27, is GRANTED.”
(Conclusion)

FACTUAL BACKGROUND

During the COVID-19 Delta-variant surge in 2021, Oregon required healthcare workers to be vaccinated, subject to limited medical or religious exceptions, and PeaceHealth adopted a vaccination policy based on public-health guidance, internal epidemiological data, and the risks posed to medically vulnerable patients. Buss, a Quality Program Lead, received both religious and medical exceptions, was placed on unpaid administrative leave, and was later terminated after she could not work fully remotely. She claimed that a hypersensitive immune system made vaccination unsafe and proposed ivermectin treatment or fully remote work as accommodations. The evidence showed that two essential functions of her position required onsite work, and the court found no evidence that her alleged impairment substantially limited a major life activity or that the proposed accommodations would avoid significant health, operational, and financial burdens.

PROCEDURAL HISTORY

Buss sued PeaceHealth under the ADA and ORS 659A.112 for failure to accommodate a claimed disability related to her alleged hypersensitive immune system and inability to receive a COVID-19 vaccination. Her religious-accommodation claims had previously been dismissed under Federal Rule of Civil Procedure 12(b)(6). After discovery, PeaceHealth moved for summary judgment, which the court granted on the grounds that Buss failed to establish that she was disabled and, alternatively, that the proposed accommodations would impose an undue hardship and leave an unaddressed direct threat.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 325 (1986)
- Nissan Fire & Marine Ins. 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)
- *Snead v. Metropolitan Property & Casualty Insurance Co.*, 237 F.3d 1080, 1087 (9th Cir. 2001)
- *Snapp v. United Transportation Union*, 889 F.3d 1088, 1095 (9th Cir. 2018)
- *Dunlap v. Liberty Natural Products, Inc.*, 878 F.3d 794, 798-99 (9th Cir. 2017)
- *Mathisen v. Oregon Health and Sciences University*, No. 3:22-cv-1250-SI, 2023 WL 6147099, at *6 n.8 (D. Or. Sept. 20, 2023)
- *White v. Columbia Sportswear Co.*, No. 3:24-cv-00006-SB, 2024 WL 5080032, at *14 (D. Or. Oct. 28, 2024)
- *Advocare International L.P. v. Horizon Laboratories, Inc.*, No. CIV. 3:04-CV-1988-H, 2006 WL 176573, at *2 (N.D. Tex. Jan. 24, 2006)
- *Pooshs v. Philip Morris USA, Inc.*, 287 F.R.D. 543, 548 (N.D. Cal. 2012)
- *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)
- *City of Pomona v. SQM North America Corp.*, 750 F.3d 1036, 1044 (9th Cir. 2014)
- *General Electric Co. v. Joiner*, 522 U.S. 136, 146 (1997)
- *In re Onglyza (Saxagliptin) & Kombiglyze (Saxagliptin & Metformin) Products Liability Litigation*, 93 F.4th 339, 347 (6th Cir. 2024)
- *Amorgianos v. National Railroad Passenger Corp.*, 303 F.3d 256, 269 (2d Cir. 2002)
- *Kather v. Asante Health System*, No. 1:22-CV-01842-MC, 2025 WL 1788267, at *7-8 (D. Or. June 25, 2025)
- *Groff v. DeJoy*, 600 U.S. 447, 470-71, 475 (2023)
- *Petersen v. Snohomish Regional Fire & Rescue*, 150 F.4th 1211, 1218, 1220-22 (9th Cir. 2025)
- *Williams v. Legacy Health*, No. 24-5977, 2026 WL 1239760, at *3-4 (9th Cir. May 6, 2026)
- *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)
- *Lake v. HealthAlliance Hospital Broadway Campus*, 738 F. Supp. 3d 208, 220-21 (N.D.N.Y. 2024)
- *Echazabal v. Chevron USA, Inc.*, 336 F.3d 1023, 1028 (9th Cir. 2003)
- *Bragdon v. Abbott*, 524 U.S. 624, 650 (1998)