

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Ashcroft v. Southern California Permanente Medical Group

Ashcroft · No. 24-cv-0035-MMA-MMP · Decided April 21, 2025

SUMMARY

The United States District Court for the Southern District of California denied Southern California Permanente Medical Group’s motion to dismiss Sharry Ashcroft’s third amended complaint. The court held that Ashcroft sufficiently alleged religious beliefs conflicting with the employer’s COVID-19 vaccination requirement, a failure to accommodate under Title VII and California’s FEHA, and discriminatory termination. The court also allowed her derivative wrongful-termination-in-violation-of-public-policy claim to proceed.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Michael M. Anello
JURISDICTION	United States District Court for the Southern District of California
DECIDED	April 21, 2025
DOCKET	24-cv-0035-MMA-MMP
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the third amended complaint. The court considered the motion on the papers and denied it.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the light most favorable to the nonmoving party, but need not accept legal conclusions, conclusory allegations, or unwarranted inferences. The complaint must contain sufficient factual matter to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	unpublished district court opinion; nonprecedential

TOPICS

- religious discrimination
- title vii
- wrongful termination
- motions to dismiss
- employment discrimination

PRACTICE AREAS

employment law

civil rights

health law

civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff plausibly alleged a bona fide religious belief that conflicted with Defendant's COVID-19 vaccination requirement.
2. Whether Plaintiff plausibly alleged that she informed Defendant of the religious belief and conflict sufficiently to state Title VII and FEHA failure-to-accommodate claims.
3. Whether Plaintiff plausibly alleged that Defendant subjected her to discriminatory treatment because of her inability to comply with the vaccination requirement.
4. Whether Plaintiff's wrongful-termination-in-violation-of-public-policy claim could proceed as derivative of her Title VII and FEHA claims.
5. Whether the court should take judicial notice of a tentative state-court decision and, if so, for what purpose.

HOLDINGS

1. Plaintiff sufficiently alleged a bona fide religious belief at the pleading stage. Her allegations connected her opposition to vaccination with sincerely held Christian beliefs, sacredness of the body and blood, biblical teachings, and a broader religious belief system, rather than merely a scientific or moral objection to a single vaccine.
2. Plaintiff sufficiently alleged that she informed Defendant of her religious beliefs and the conflict between those beliefs and the vaccination requirement.
3. Plaintiff plausibly alleged the third element of her failure-to-accommodate claims because Defendant denied her exemption, placed her on unpaid leave, and terminated her for failing to comply with the vaccination requirement.
4. Plaintiff's wrongful-termination-in-violation-of-public-policy claim could proceed as a derivative claim because her Title VII and FEHA claims supplied a public-policy basis.
5. The court granted Plaintiff's request for judicial notice of the existence of a tentative state-court decision as an official government act and court record, but did not take judicial notice of the decision's correctness.

KEY QUOTATIONS

"Thus, at this stage in proceedings, Plaintiff sufficiently alleges a bona fide religious belief." (at 10)

"This evinces a clear conflict between Plaintiff's religious beliefs, which prohibit vaccination, and Defendant's vaccine requirement, which mandates it." (at 12)

"As maintains claims both for violation of FEHA and Title VII, Plaintiff's wrongful termination in violation of public policy claim may proceed as a derivative." (at 13)

FACTUAL BACKGROUND

Defendant, a private health care organization, employed Plaintiff as an office assistant and required employees to receive a COVID-19 vaccination or obtain a medical or religious exemption. Plaintiff, who identified as a Christian, requested a religious exemption based on beliefs that her body was a temple of the Holy Spirit, that her blood was sacred, and that vaccines violated her religious beliefs. Defendant provisionally approved the request, later sought additional information, denied the exemption, placed Plaintiff on unpaid leave, and terminated her employment for failing to comply with the vaccination policy.

PROCEDURAL HISTORY

Plaintiff filed her initial complaint on January 5, 2024. After granting in part an earlier motion to dismiss, the court permitted amendment; the court later dismissed the second amended complaint in its entirety with leave to amend. Plaintiff filed the operative third amended complaint on February 14, 2025, and Defendant moved to dismiss it. The court denied the motion as to all three remaining causes of action and ordered Defendant to answer within fourteen days.

DISPOSITION

other

CASES CITED

- Snyder & Associates Acquisitions LLC v. United States, 859 F.3d 1152, 1157 (9th Cir.)
- Nguyen v. Cavalry Portfolio Services, LLC, 2015 WL 12672149, at *2 (S.D. Cal. Feb. 20, 2015)
- United States v. Ritchie, 342 F.3d 903, 908 (9th Cir. 2003)
- Daniels-Hall v. National Education Association, 629 F.3d 992, 998-99 (9th Cir.)
- Gallagher v. Philipps, 563 F. Supp. 3d 1048, 1070-71 (S.D. Cal.)
- Greenfield MHP Associates, L.P. v. Ametek, Inc., 145 F. Supp. 3d 1000, 1007 (S.D. Cal.)
- Lucero v. Wong, 2011 WL 5834963, at *5 (N.D. Cal. Nov. 21, 2011)
- Navarro v. Block, 250 F.3d 729, 732 (9th Cir.)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Cahill v. Liberty Mutual Insurance Co., 80 F.3d 336, 337-38 (9th Cir.)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir.)
- Pareto v. Federal Deposit Insurance Corp., 139 F.3d 696, 699 (9th Cir.)
- Parrino v. FHP, Inc., 146 F.3d 699, 705-06 (9th Cir.)
- DeSoto v. Yellow Freight System, Inc., 957 F.2d 655, 658 (9th Cir.)
- Rutman Wine Co. v. E. & J. Gallo Winery, 829 F.2d 729, 738 (9th Cir.)
- Heller v. EBB Auto. Co., 8 F.3d 1433, 1437-39 (9th Cir.)
- Trans World Airlines, Inc. v. Hardison, 432 U.S. 63, 74 (1977)
- Borrello v. Respiroics California, LLC, 2024 WL 1496215, at *10-11 (S.D. Cal. Apr. 5, 2024)

- Keene v. City & County of San Francisco, 2023 WL 3451687, at *1-2 (9th Cir.)
- Africa v. Commonwealth of Pennsylvania, 662 F.2d 1025, 1030, 1032 (3d Cir.)
- Alvarado v. City of San Jose, 94 F.3d 1223, 1229 (9th Cir.)
- Bolden-Hardge v. Office of California State Controller, 63 F.4th 1215, 1223 (9th Cir.)
- Burwell v. Hobby Lobby Stores, Inc., 573 U.S. 682, 725 (2014)
- Thompson v. Asante Health System, 2023 WL 7348812, at *5 (D. Or. Sept. 21, 2023), R&R adopted, 2023 WL 7326496 (D. Or. Nov. 7, 2023)
- Camp v. L.A. Arena Co., LLC, 2023 WL 4680797, at *2, *7 (C.D. Cal. June 15, 2023)
- Beuca v. Washington State University, 2023 WL 3575503, at *2 (E.D. Wash. May 19, 2023), rev'd and remanded on other grounds, 2024 WL 3450989 (9th Cir. July 18, 2024)
- Thornton v. Ipsen Biopharmaceuticals, Inc., 126 F.4th 76, 83-84 (1st Cir. 2025)
- Lucky v. Landmark Medical of Michigan, P.C., 103 F.4th 1241, 1243 (6th Cir. 2024)
- Ringhofer v. Mayo Clinic, Ambulance, 102 F.4th 894, 902 (8th Cir. 2024)
- Passarella v. Aspirus, Inc., 108 F.4th 1005, 1009 (7th Cir. 2024)
- Barnett v. Inova Health Care Services, 125 F.4th 465, 471 (4th Cir. 2025)
- McDowell v. Bayhealth Medical Center, Inc., 2024 WL 4799870, at *2-3 (3d Cir. Nov. 15, 2024)
- Gatto v. Johnson & Johnson Services, Inc., 2025 WL 816732, at *1-4 (3d Cir. Mar. 14, 2025)
- Yau v. Santa Margarita Ford, Inc., 176 Cal. Rptr. 3d 824, 831 (Cal. Ct. App.)
- Haney v. Aramark Uniform Services, Inc., 17 Cal. Rptr. 3d 336, 348-49 (Cal. Ct. App.)
- Casella v. SouthWest Dealer Service, Inc., 69 Cal. Rptr. 3d 445, 454 (Cal. Ct. App. 2007)
- Phillips v. St. Mary Regional Medical Center, 116 Cal. Rptr. 2d 770, 776, 784-85 (Cal. Ct. App. 2002)