

Vaccination Mandate Case Roundup

Case	Where	Claim	Employer/School Win?	Employee/Student Win?
<i>America's Frontline Doctors et al. v. Wilcox et al., No. 5:21-cv-01243 (C.D. Ca. July 26, 2021)</i>	Federal Court, California	Students sought temporary restraining order against university's vaccine mandate, raising "bodily autonomy" and "state-created danger" arguments.	Court denied request for temporary restraining order. Ninth Circuit denied request for mandamus. Plaintiffs request for mandamus pending before Supreme Court.	
<i>Bridges et al. v. The Methodist Hospital et al., No. 4:21-CV-01774, 2021 WL 2221293 (Dist. Ct. S.D. Tex. June 1, 2021).</i>	Federal Court, Texas	116 employees of hospital challenged vaccine mandate, citing on FDA's Emergency Use Authorization statutes.	Court found that EUA statutes did not bar an employer from having a vaccine mandate. Decision appealed to Fifth Circuit.	
<i>California Educators for Medical Freedom et al v. Los Angeles Unified School District et al., No. 21-CV-02388 (C.D. Cal. Mar. 17, 2021) 2021 WL 1034618</i>	Federal Court, California	Teachers' challenge to "vaccine or testing policy."	Court dismissed case, finding that "or testing" element of policy meant there was no injury to the plaintiffs.	

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<i>Dahl v. Board of Trustees of Western Michigan University (W.D. Mich., Aug. 31, 2021, No. 1:21-CV-757) 2021 WL 3891620</i>	Federal Court, Michigan	Students on soccer team challenged university's denial of religious exemption from vaccination requirements.		Court issued TRO before university had opportunity to respond, finding that university "must explain why the decision to remove the unvaccinated players from intercollegiate competition is narrowly tailored."
<i>Doe 1 et al. v Incyte Corporation, No. 2:21-CV-05956 (C.D. Cal. July 22, 2021)</i>	Federal Court, California	Employees challenged vaccine mandate on "bodily autonomy" grounds.	Case voluntarily dismissed by plaintiffs.	
<i>Garfield v. Middle Tennessee State University et al., No. 3:21-cv-00613 (M.D. Tenn. Aug. 6, 2021)</i>	Federal Court, Tennessee	Students sought temporary restraining order against University's vaccine mandate, citing EUA statutes.	Court denied request for temporary restraining order.	

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<p><i>Harris v. University of Massachusetts Lowell et al., No. 1:21-cv-11244 (D. Mass. July 30, 2021</i></p>	<p>Federal Court, Massachusetts</p>	<p>Students filed due process and religion claims against university's vaccine mandate.</p>	<p>Court grants university's motion to dismiss, finding "Contrary to Plaintiffs' assertion that the Vaccine Policy is arbitrary or not based in science, the Defendants based the decision upon both medical and scientific evidence and research and guidance, and thus is at least rationally related to these legitimate interests" and that "UMass is under no constitutional obligation to offer a religious exemption to its Vaccine Requirement."</p>	
<p><i>Hencey, et al. v. United Airlines, et al., 2021 WL 3634630 (S.D. Fla. Aug. 14, 2021)</i></p>	<p>Federal Court, Florida</p>	<p>Airline employees challenged employer's vaccine mandate, seeking a temporary restraining order.</p>	<p>Court denied request for TRO, commenting Plaintiffs have not filed a complaint, and the Motion itself reads like a shotgun pleading. Plaintiffs reference their rights under the Constitution and several federal statues without explaining with any level of particularity their claims or how each Defendant has violated Plaintiffs' rights."</p>	

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<i>Higley, et al. v. CA State University et al., No. 2:21-cv-01126-TLN-JDP (Dist. Ct. E.D. Cal. June 24, 2021).</i>	Federal Court, California	Students challenged university mandate contending that the mandate posed a risk of death or serious illness. Main legal theory was 14 th Amendment liberty “bodily autonomy” claim.	10 days after University filed a motion to dismiss, the plaintiffs voluntarily dismissed the lawsuit.	
<i>International Brotherhood of Teamsters, Local 743 v. Central States Southeast and Southwest Areas Health and Welfare and Pension Funds, No. 1:21-cv-03840 (N.D. Ill. Jul. 19, 2021)</i>	Federal Court, Illinois	Union sought injunction and declaratory judgment that employer’s vaccine mandate violated its bargaining and arbitration rights, contending that employees “who do not wish to receive the vaccine hold good-faith, reasonable concerns about some aspect(s) of these novel vaccines, the long-term effects of which are not known and cannot be known.”	Court denied motion for injunction.	
<i>Jane Does 1-6 et al., v. Mills, No. 1:21-CV-00242-JDL (D. Me. Aug. 25, 2021)</i>	Federal Court, Maine	Health care workers sought temporary restraining order against state’s vaccine mandate, claiming violation of religious freedom and due process.	Court denied request for TRO.	

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<i>Khanthatphixay et al. v. Loyola Marymount University et al., No. 2:21-cv-06000 (C.D. Cal. Jul. 24, 2021)</i>	Federal Court, California	Students sought temporary restraining order against university's vaccine mandate, arguing in part that students receiving exemptions were subject to disparate living situations and other requirements.	Court denied request for temporary restraining order. Case still pending.	
<i>Klaassen et al. v. The Trustees of Indiana University, No. 1:21-cv-00238-DRL-SLC (Dist. Ct. N.D. Ind. July 18, 2021).</i>	Federal Court, Indiana	Students sought preliminary injunction against university's vaccine mandate, claiming 14 th amendment liberty right to "bodily autonomy."	Court denied request for preliminary injunction, finding the university's interests in public health prevailed. 7 th Circuit refused to enjoin the policy pending an appeal and Supreme Court Justice Amy Barrett denied request to enjoin policy.	
<i>Legarreta v. Macias, No. 2:21-CV-00179 (D.N.M. Feb. 28, 2021).</i>	Federal Court, New Mexico	Corrections officer sought TRO preventing his termination for non-compliance with vaccine mandate.	Court denied TRO request. Employer's motion to dismiss is pending.	
<i>Magliulo v. Edward Via College of Osteopathic Medicine, No. 3:21-cv-02304 (W.D. La. Aug. 17, 2021)</i>	Federal Court, Louisiana	Students sought temporary restraining order against College's vaccine mandate, arguing that the mandate violated state statutes.		Court granted request for TRO, finding the mandate prohibited under Louisiana statutes that required exemptions from vaccination requirement for students filing written dissents.

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<i>Neve v. Birkhead et al., No. 1:21-CV-00308 (Dist. Ct. M.D.N.C. Apr. 16, 2021).</i>	Federal Court, North Carolina	Employee of sheriff's office who had been terminated for non-compliance with vaccine policy challenged termination based on FDA's Emergency Use Authorization statutes.	Suit voluntarily dismissed by plaintiff.	
<i>Norris v. Stanley et al., 2021 WL 3891615 (W.D. Mich. Aug. 27, 2021)</i>	Federal Court, Michigan	Employee challenged university's vaccine requirement. Claims included privacy, due process "deprivation of employment," and EUA statutes.	Court denied request for TRO, finding employee did not have substantial likelihood of success on any of the claims.	
<i>Wade et al. v. University of Connecticut Board of Trustees, No. 3:21-cv-00924 (D. Conn. Jul. 6, 2021)</i>	Federal Court, Connecticut	Two students and a parent of a third student challenged university vaccine mandate under EUA statutes, also arguing that the mandate had no rational basis.	Court dismissed lawsuit. Two students had been granted exemptions, thus mooted their claims. The third student had failed to apply for an exemption, thus rendering the student without legal standing.	
<i>Zywicki v. Washington et al., No. 1:21-CV-00894 (E.D. Va. Aug. 3, 2021)</i>	Federal Court, Virginia	Teacher challenged masking, social distancing, and other elements of employer's policy, alleging violations of privacy and due process rights.	Lawsuit voluntarily dismissed by plaintiff.	