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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

PAUL AHMANN,  
  
Plaintiff,  
  
v.  
  
WASHINGTON STATE  
DEPARTMENT OF  
TRANSPORTATION, an agency of  
the State of Washington,  
  
Defendant.

NO. 2:23-CV-0140-TOR  
  
ORDER DENYING DEFENDANT’S  
MOTION TO DISMISS

BEFORE THE COURT is Defendant’s Motion to Dismiss Amended  
Complaint (ECF No. 10). This matter was submitted for consideration without  
oral argument. The Court has reviewed the record and files herein, the completed  
briefing, and is fully informed. For the reasons discussed below, Defendant’s  
Motion to Dismiss Amended Complaint (ECF No. 10) is **denied**.

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1 **BACKGROUND**

2 This matter relates to Washington State Department of Transportation’s  
3 (WSDOT) termination of Plaintiff’s employment following the determination that  
4 Plaintiff’s religious exemption from the COVID-19 vaccine could not be granted  
5 for failure to provide sufficient information regarding a sincerely held religious  
6 belief. *See* ECF No. 8. On March 28, 2023, Plaintiff filed a Complaint in  
7 Whitman County Superior Court. ECF No. 1-3. On May 8, 2023, Defendant  
8 removed the action to this Court. ECF No. 1. Plaintiff alleges Defendant failed to  
9 provide reasonable accommodations for his religious beliefs in violation of Title  
10 VII and Washington’s Law Against Discrimination (WLAD). ECF No. 8 at 22, ¶¶  
11 6.1–6.13. The following facts are drawn from Plaintiff’s First Amended  
12 Complaint and are accepted as true for the purpose of this motion. *Chavez v.*  
13 *United States*, 683 F.3d 1102, 1108 (9th Cir. 2012).

14 At all relevant times, Mr. Ahmann worked for Colfax Maintenance Shed in  
15 Colfax, Washington. ECF No. 8 at 8, ¶ 5.5. Mr. Ahmann is a practicing Catholic  
16 who believes that all life is sacred from the moment of conception to natural death  
17 and that abortion is a sin. *Id.* at 6, ¶ 5.2. Mr. Ahmann’s Catholic faith compels  
18 him to abstain from direct or indirect cooperation in abortion, which he views as  
19 the killing of innocents. *Id.* Mr. Ahmann’s religious beliefs prevented him from  
20 receiving the COVID-19 vaccination because the vaccinations at the time

1 employed cell lines derived from aborted fetuses. *Id.* Mr. Ahmann has never  
2 knowingly taken a vaccine derived from aborted fetuses. *Id.* at 7, ¶ 5.4.

3 On February 29, 2020, Governor Jay Inslee issued the first Proclamation  
4 related to COVID-19, declaring a State of Emergency in Washington. *Id.* at 10, ¶  
5 5.10. On August 9, 2021, Governor Inslee issued a Proclamation that required all  
6 state employees to be fully vaccinated by October 18, 2021. *Id.* at 11, ¶ 5.11.

7 In response, the Washington Secretary of Transportation required all  
8 WSDOT employees to be vaccinated. *Id.*, ¶ 5.12. The Proclamation purportedly  
9 allowed for religious exemptions to the vaccine requirement. *Id.*, ¶ 5.13. WSDOT  
10 provided its employees who wished to request a religious accommodation with a  
11 form titled: Religious Exemption Request Form Proclamation 21-13 (vaccine  
12 requirement). *Id.* at 18, ¶ 5.24. This form asked employees if (a) they had a  
13 sincerely held religious belief that prevented them from receiving the COVID-19  
14 vaccine and (b) to affirm or agree that they received a vaccine as an adult. *Id.*

15 On August 24, 2021, Mr. Ahmann executed this Religious Exemption form.  
16 *Id.* at 18, ¶ 5.25. On August 25, 2021, WSDOT provided Mr. Ahmann with a  
17 second form titled: Religious Exemption Request Form-Additional Questions  
18 Proclamation 21-14 (vaccine requirement). *Id.*, ¶ 5.26. This form asked Mr.  
19 Ahmann to explain how the COVID-19 vaccine conflicts with his strongly held  
20 religious beliefs, and inquired how long he held his beliefs, whether his beliefs

1 include objecting to other vaccines, and whether he received a vaccine in the past.

2 *Id.* at 18–19. Mr. Ahmann replied:

3 I will not have the blood of any baby on my hands. Any vaccine that  
4 was brought about by the use of baby parts in the research and  
5 development process or by using them in the ingredients will not be  
used on me with my knowledge. It is an evil selfish process which  
devalues human life and puts monetary value on babies.

6 ECF No. 8 at 19, ¶ 5.27.

7 On September 14, 2021, WSDOT informed Mr. Ahmann that his exemption  
8 request was denied, explaining that he “did not provide sufficient information to  
9 enable a determination as to whether his request for a religious accommodation  
10 was based on a sincerely held religious belief.” *Id.* at 20, ¶ 5.30.

11 On October 18, 2021, Mr. Ahmann was terminated due to his failure to  
12 receive the COVID-19 vaccination. *Id.* at 21, ¶ 5.32.

## 13 DISCUSSION

### 14 I. Motion to Dismiss Standard

15 Federal Rule of Civil Procedure 12(b)(6) provides that a defendant may  
16 move to dismiss the complaint for “failure to state a claim upon which relief can be  
17 granted.” A motion to dismiss for failure to state a claim will be denied if the  
18 plaintiff alleges “sufficient factual matter, accepted as true, to ‘state a claim to  
19 relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)  
20 (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

1 While the plaintiff’s “allegations of material fact are taken as true and  
2 construed in the light most favorable to the plaintiff” the plaintiff cannot rely on  
3 “conclusory allegations of law and unwarranted inferences ... to defeat a motion to  
4 dismiss for failure to state a claim.” *In re Stac Elecs. Sec. Litig.*, 89 F.3d 1399,  
5 1403 (9th Cir. 1996) (citation and brackets omitted). That is, the plaintiff must  
6 provide “more than labels and conclusions, and a formulaic recitation of the  
7 elements.” *Twombly*, 550 U.S. at 555.

8 When deciding, the Court’s review is limited to the complaint, documents  
9 incorporated into the complaint by reference, and judicial notice. *Metzler Inv.*  
10 *GMBH v. Corinthian Colleges, Inc.*, 540 F.3d 1049, 1061 (9th Cir. 2008) (citing  
11 *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007)). The Court  
12 takes judicial notice of government records as well as documents incorporated into  
13 the First Amended Complaint. *See* Fed. R. Evid. 201; *Metzler*, 540 F.3d at 1061.

## 14 **II. Failure to Accommodate**

15 Defendant moves to dismiss Plaintiff’s claims on the grounds that Plaintiff  
16 failed to provide WSDOT with sufficient information to determine whether his  
17 objections were based on a sincerely held religious belief. ECF No. 10 at 12.

18 Title VII prohibits employers from discharging or otherwise discriminating  
19 against an employee due to the employee’s religion. 42 U.S.C. § 2000e-2(a).

20 “Religion” is defined as “all aspects of religious observance and practice, as well

1 as belief[.]” 42 U.S.C. § 2000e-2(j). Title VII claims may be brought under  
2 disparate treatment or disparate impact theories, the former of which is based on 42  
3 U.S.C. § 2000e-2(a)(1). *E.E.O.C. v. Abercrombie & Fitch Stores, Inc.*, 575 U.S.  
4 768, 771 (2015).

5 To state a failure to accommodate religion claim, a plaintiff must plausibly  
6 allege (1) they have a bona fide religious belief, the practice of which conflicts  
7 with an employment duty; (2) they informed the employer of the belief and  
8 conflict; and (3) the employer subjected them to an adverse employment action  
9 because of the inability to fulfill the employment duty. *Peterson v. Hewlett-*  
10 *Packard Co.*, 358 F.3d 599, 606 (9th Cir. 2004). The requirements to state such a  
11 claim under the WLAD are substantially similar to those under Title VII. *See*  
12 *Kumar v. Gate Gourmet Inc.*, 180 Wash. 2d 481 (2014).

13 Both the Supreme Court and Ninth Circuit have cautioned against second-  
14 guessing the reasonableness of an individual’s asserted religious beliefs. *Burwell*  
15 *v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 725 (2014); *Bolden-Hardge v. Off. of*  
16 *California State Controller*, 63 F.4th 1215, 1223 (9th Cir. 2023). While a court  
17 need not accept a plaintiff’s conclusory assertions, “the burden to allege a conflict  
18 with religious beliefs is fairly minimal.” *Bolden-Hardge*, 63 F.4th at 1223.

19 Here, Mr. Ahmann alleges he holds a sincerely held religious belief that he  
20 claimed on the Religious Exemption form and he subsequently explained how his

1 beliefs conflict with the COVID-19 vaccine. ECF No. 8 at 18–19, ¶¶ 5.26–5.27;  
2 *see id.* at 88–91. WSDOT argues Mr. Ahmann is only now claiming he is  
3 Catholic, and that he did not provide that information when filling out the  
4 Religious Exemption form. ECF No. 10 at 16. At the pleading stage, Mr.  
5 Ahmann’s allegation that he had a sincerely held religious belief (and so claimed  
6 on the Religious Exemption form) are taken as true. Mr. Ahmann has sufficiently  
7 stated a failure to accommodate religion claim. WSDOT’s arguments are more  
8 appropriate for a determination on the merits, at trial or on summary judgment.

9 **ACCORDINGLY, IT IS HEREBY ORDERED:**

10 Defendant’s Motion to Dismiss Amended Complaint (ECF No. 10) is

11 **DENIED.**

12 The District Court Executive is directed to enter this Order and furnish  
13 copies to counsel.

14 DATED July 28, 2023.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

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THOMAS O. RICE  
United States District Judge