

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS**

<b>NEELIE PANOZZO, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 2:21-cv-02292-CSB-EIL</b>
	)	
<b>RIVERSIDE HEALTHCARE, et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF REMOVAL TO ADVERSE PARTIES**

To: Jeffrey M. Schwab (#6290710)  
Daniel R. Suhr (R. 707 PHV # 6338580)  
Liberty Justice Center  
141 West Jackson Blvd., Suite 1065  
Chicago, Illinois 60604  
[jschwab@libertyjusticecenter.org](mailto:jschwab@libertyjusticecenter.org)  
[dsuhr@libertyjusticecenter.org](mailto:dsuhr@libertyjusticecenter.org)

**PLEASE TAKE NOTICE** that on November 29, 2021, Defendants Riverside Healthcare and Phillip M. Kambic (collectively, “Defendants”) filed a Notice of Removal in the above-entitled action in the United States District Court for the Central District of Illinois. A true and correct copy of the Notice of Removal is attached hereto as **Exhibit A**. Defendants also contemporaneously filed a Notice to State Court of Removal to Federal Court with the Clerk of the Circuit Court of Kankakee County, Illinois to effect removal pursuant to 28 U.S.C. § 1446. A true and correct copy of the Notice to State Court of Removal to Federal Court is attached hereto as **Exhibit B**.

Date: November 29, 2021

Respectfully submitted,

/s/ Michael R. Philips

One of Defendants' Attorneys

Michael R. Phillips

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 29, 2021, I caused the foregoing to be served via electronic mail upon the following:

Jeffrey M. Schwab (#6290710)  
Daniel R. Suhr (R. 707 PHV # 6338580)  
Liberty Justice Center  
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*Attorneys for Plaintiffs*

*/s/ Michael R. Phillips* \_\_\_\_\_

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS**

<b>NEELIE PANOZZO, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. _____</b>
	)	
<b>RIVERSIDE HEALTHCARE, et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Riverside Healthcare (“Riverside”) and Phillip M. Kambic (“Kambic”) (collectively, “Defendants”) hereby remove the above-captioned matter from the Circuit Court of the Twenty-First Judicial Circuit, Kankakee County, Illinois to the United States District Court for the Central District of Illinois. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331. As grounds for removal of this action, Defendants state as follows:

**I. PLEADING AND PROCEDURES**

1. Defendants remove this action to Federal Court based on federal question jurisdiction pursuant to 28 U.S.C. § 1331.

2. On or around October 13, 2021, Plaintiffs Neelie Panozzo, Valerie Kietzman, Judy Busato, Kathryn Hamblen, Carmen Wymore, and Amy Memenga commenced this civil action by filing a Complaint for Declaratory and Injunctive Relief (“Complaint”) against Defendants captioned *Neelie Panozzo et al. v. Riverside Healthcare et al.*, Case No. 2021L108, in the Circuit Court of the Twenty-First Judicial Circuit, Kankakee County, Illinois (the “State Court”). In the original Complaint, Plaintiffs asserted a single count alleging that Defendants are in violation of

the Illinois Health Care Right of Conscience Act (“IHRCA”). A true and correct copy of the Complaint is attached hereto as **Exhibit 1**.

3. On or around October 29, 2021, Plaintiffs filed an Amended Complaint for Declaratory and Injunctive Relief (“FAC”), removing Carmen Wymore as a named plaintiff and adding 55 other Riverside employees as named plaintiffs to this action. In the FAC, Plaintiffs still asserted only a single claim under the IHRCA. A true and correct copy of the FAC is attached hereto as **Exhibit 2**.

4. On or around November 24, 2021, Plaintiffs filed a Second Amended Complaint (“SAC”). In addition to adding 10 former Riverside employees and interns as named plaintiffs to this action, Plaintiffs also assert, for the first time, a claim arising under federal law, specifically Title VII of the Civil Rights Act of 1964 (“Title VII”). A true and correct copy of the SAC is attached hereto as **Exhibit 3**.

5. True and correct copies of all other process, pleadings, orders, and other papers or exhibits filed or received by Defendants in this action to date are attached hereto as **Exhibit 4**.

6. All Defendants join in and consent to this Removal.

7. This action arises from Plaintiffs’ purported claims under Title VII alleging discrimination on the basis of their religious beliefs and failure to provide reasonable accommodation for their religious beliefs. *See* Exh. 3 (SAC), ¶¶ 112–17. Plaintiffs also purport to state a claim under state law for violation of the IHRCA. *See id.* at ¶¶ 106–09. With the filing of the SAC, this civil action became removable under 28 U.S.C. § 1331 because Plaintiffs’ new claims under Title VII confer original jurisdiction on this Court.

8. On November 24, 2021, Defendants received a copy of the SAC which Plaintiffs had just filed with the State Court. Exh. 3. This was the first time Defendants received a copy of

a complaint or amended complaint filed by Plaintiffs asserting a claim arising under Title VII or any other federal law. Therefore, the Notice of Removal is timely, as it has been filed with this Court within thirty (30) days of receipt by Defendants “of a copy of an amended pleading . . . from which it may first be ascertained that the case is one which is or has become removal.” 28 U.S.C. § 1446 (b)(3).

9. Defendants have not served an answer or responsive pleading in response to the SAC or filed any such answer or responsive pleading with the State Court.

10. The United States District Court for the Central District of Illinois is the proper venue for removal under 28 U.S.C. § 1441(a) because the State Court is located within this District and Plaintiffs’ action in State Court is pending within this District. *See* 28 U.S.C. § 1441(a).

## **II. PROCEDURAL HISTORY**

11. Shortly after this action was commenced in State Court, Plaintiffs filed a Motion for Temporary Restraining Order and Preliminary Injunction on or around October 19, 2021.

12. On October 25, 2021, the State Court held an emergency hearing on Plaintiffs’ Motion for Temporary Restraining Order and subsequently entered an Order temporarily restraining Defendants from taking adverse employment actions against Plaintiffs (the “TRO”) until the Court holds a hearing and rules on Plaintiffs’ request for a preliminary injunction. A true and correct copy of the State Court’s October 25, 2021 Order is attached hereto as **Exhibit 5**.

13. After the State Court entered the TRO, Plaintiffs filed the FAC on or around October 29, 2021 and asked the Court to amend the TRO to cover the newly added plaintiffs. On November 1, 2021, the State Court entered an Order extending the TRO to most of the newly added plaintiffs. A true and correct copy of the State Court’s November 1, 2021 Order is attached hereto as **Exhibit 6**.

14. On November 10, 2021, Defendants filed an Emergency Motion to Dissolve Temporary Restraining Order Or, in the Alternative, to Set Bond (“Motion to Dissolve TRO”).

15. On November 19, 2021, the State Court entered an order stating that the Parties “agree[d] that the TRO currently in place shall expire on December 5, 2021” and that “Plaintiffs are granted leave to amend their complaint.” A true and correct copy of the State Court’s November 19, 2021 Order is attached hereto as **Exhibit 7**.

16. On November 24, 2021, Plaintiffs filed the SAC, asserting claims under Title VII. *See* Exh. 3.

17. Because there is federal question jurisdiction pursuant to 28 U.S.C. §1331, Defendants are entitled to removal of this matter from State Court to Federal Court pursuant to 28 U.S.C. § 1441.

18. This Court has supplemental jurisdiction over Plaintiffs’ state law claims pursuant to 28 U.S.C. § 1367, as those claims are so related to Plaintiffs’ federal law claims as to form part of the same case or controversy.

19. Defendants shall give written notice to Plaintiffs and to the Clerk of the State Court pursuant to 28 U.S.C. § 1446(d). A copy of the removal notice to be filed with the Clerk of the State Court is attached hereto as **Exhibit 8**.

### **III. PRESERVATION OF DENIALS AND DEFENSES**

20. By filing this Notice of Removal, Defendants do not waive any jurisdictional or other defenses that might be available to them. In addition, Defendants expressly reserve the right to move for dismissal of some or all of Plaintiffs’ claims pursuant to Rule 12 of the Federal Rules of Civil Procedure. Defendants reserve the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendants Riverside Healthcare and Phillip M. Kambic request that the above-entitled action be removed from the Circuit Court of Kankakee County, Illinois to the United States District Court for the Central District of Illinois.

Date: November 29, 2021

Respectfully submitted,

/s/ Michael R. Phillips  
One of Defendants' Attorneys

Michael R. Phillips  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 29, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and served the foregoing via electronic mail and U.S. Mail, postage prepaid, upon the following:

Jeffrey M. Schwab  
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*Attorneys for Plaintiffs*

*/s/ Michael R. Phillips* \_\_\_\_\_

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST CIRCUIT  
KANKAKEE COUNTY, ILLINOIS**

NEELIE PANOZZO, VALERIE KIETZMAN, JUDY BUSATO,  
KATHRYN HAMBLLEN, CARMEN WYMORE, AND AMY  
MEMENGA,

Plaintiffs,

v.

RIVERSIDE HEALTHCARE; an Illinois not-for-profit  
corporation; and PHILIP M. KAMBIC, in his capacity as  
President of Riverside Healthcare,

Defendants.

Case No. 2021L108

Damages  
Injunction

**Init Case Mgmt Conf**  
**9:00 AM IN ROOM: 204**  
**DATE: 12-13-2021**

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs, Neelie Panozzo, Valerie Kietzman, Judy Busato, Kathryn Hamblen, Carmen Wymore, and Amy Memenga, by and through their undersigned attorneys, sue Defendants, Riverside Healthcare and Philip Kambic, in his capacity as President of Riverside Healthcare, and state:

1. This is an action for declaratory and injunctive relief arising from Defendants’ mandate that Plaintiffs be vaccinated against COVID-19, in violation of Plaintiffs’ sincerely held moral convictions arising from belief in and relation to God, and thus in derogation of Illinois’ Heath Care Right of Conscience Act, 745 ILCS § 70/1, *et seq.* (the “HCRCA”).

**Parties**

2. Plaintiff Neelie Panozzo is an employee of Riverside Healthcare where she serves as a nurse practitioner. She has been in the medical profession for 24 years, and she has been employed by Riverside Healthcare for 2 years and 4 months. She is a devout Christian. She is a resident of Kankakee County.

3. Plaintiff Valerie Kietzman is an employee of Riverside Healthcare where she serves as a registered nurse administrative director. Her role is primarily administrative. She has been in the medical profession for 9 years, and she has been employed by Riverside Healthcare for 4 years and 6 months. She is a devout Christian and attends Eastridge Nazarene Church. She is a resident of Kankakee County.

4. Plaintiff Judy Busato is an employee of Riverside Healthcare where she serves as a registered nurse. She has been in the medical profession for 10 years, and she has been employed by Riverside Healthcare for 7 months. She is a devout Catholic and attends St. John Paul II Parish. She is a resident of Kankakee County.

5. Plaintiff Kathryn Hamblen is an employee of Riverside Healthcare where she serves as a nurse practitioner. She has been in the medical profession for 8 years, and she has been employed by Riverside Healthcare for 4 years. She is a devout Christian and attends both a non-denominational and a Nazarene Church. She is a resident of Kankakee County.

6. Plaintiff Carmen Wymore is an employee of Riverside Healthcare where she serves as a registered nurse. She has been in the medical profession for 10 years, and she has been employed by Riverside Healthcare for 5 years. She is a devout Christian and attends Grace Baptist Church. She is a resident of Kankakee County.

7. Plaintiff Amy Memenga was an employee of Riverside Healthcare where she served as a nurse manager. She has been in the medical profession for 26 years, and she was employed by Riverside Healthcare for 26 years. She is a devout Christian and attends Living Stones Church. She is a resident of Kankakee County.

8. Defendant Riverside Healthcare (“Riverside”) is a not-for-profit corporation existing under the laws of the State of Illinois, with its principal place of business located at 350 N. Wall St., Kankakee, IL.

9. Defendant Phillip Kambic is the President of Riverside Healthcare, and as such is responsible for day-to-day management of Riverside, including enforcement of policies such as the vaccination mandate addressed herein.

### **Jurisdiction**

10. This Court has subject matter jurisdiction over this matter under 735 ILCS 5/2-701 because Plaintiffs seek a declaratory judgment that Defendants violated the HCRCA.

11. This Court has personal jurisdiction over the Defendants because this lawsuit arises from Defendants’ actions in the State of Illinois.

12. Venue is proper in Kankakee County because Defendants are located in Kankakee County, Illinois, Plaintiffs are employed by Defendants in Kankakee County, and the relevant facts took place in Kankakee County.

### **Factual Allegations**

13. The HCRCA declares that:

[i]t is the public policy of the State of Illinois to respect and protect the right of conscience of all persons who refuse to obtain, receive or accept . . . the delivery of . . . health care services and medical care . . . ; and to prohibit all forms of discrimination, disqualification, coercion, [or] disability . . . upon such persons . . . by reason of their refusing to act contrary to their conscience or conscientious convictions in . . . or refusing to obtain, receive, [or] accept . . . health care services and medical care.

745 ILCS § 70/2 (Findings and Policy of the General Assembly).

14. The HCRCA expressly prohibits discrimination against any individual based on that person's refusal to accept administration of health care services. Specifically, section 70/5 of the HCRCA provides:

It shall be unlawful for any . . . private institution . . . to discriminate against any person in any manner, including but not limited to, licensing, hiring, promotion, transfer, staff appointment, hospital, managed care entity, or any other privileges, because of such person's *conscientious refusal* to receive, obtain, [or] accept . . . any particular form of *health care services contrary to his or her conscience*.

745 ILCS § 70/5 (emphasis added).

15. The HCRCA defines "conscience" as "a sincerely held set of moral convictions arising from belief in and relation to God, or which, though not so derived, arises from a place in the life of its possessor parallel to that filled by God among adherents to religious faiths[.]" 745 ILCS § 70/3.

16. Riverside is a "private institution" within the meaning of § 70/5 of the HCRCA.

17. By its terms, the HCRCA "shall supersede all other Acts or parts of Acts to the extent that any Acts or parts of Acts are inconsistent with the terms or operation of [the HCRCA]." 74 ILCS 70/14.

18. On August 26, 2021, Illinois Governor J.B. Pritzker issued an executive order mandating health care workers be vaccinated against COVID-19. His order included an option for weekly testing if vaccination would require a health care worker to "violate or forgo a sincerely held religious belief, practice, or observance."

19. On August 27, 2021, Riverside circulated a memorandum and policy to all employees announcing it was implementing the Governor's order and offering a process and form by which Riverside employees could secure a religious exemption.

20. All six Plaintiffs, as part of their deeply-held religious faith, oppose abortion and the use of aborted fetal tissue.

21. Because all the currently available COVID-19 vaccines were developed with the use of aborted fetal tissue, receiving any COVID-19 vaccine would go against Plaintiffs' sincerely held religious beliefs.

22. All six plaintiffs promptly submitted a letter or form to Riverside Healthcare requesting a religious exemption from their COVID-19 vaccine mandate.

23. On September 10, 2021, after President Biden's speech to the nation, Riverside circulated another memorandum to employees, stating that "Until we receive the [Emergency Temporary Standard from the federal Occupational Safety and Health Administration (OSHA)] and can review its contents in light of the existing emergency order issued by Governor Pritzker, Riverside will be temporarily suspending the decisions on pending religious and medical exemption requests . . ."

24. Nevertheless, after pledging to suspend all decisions on pending religious exemption requests until the OSHA Rule was published (which has not happened as of the date of this filing), on September 17, 2021, Riverside denied all religious exemption requests for all patient-facing employees, including those of Plaintiffs.

25. Plaintiff Kietzman also submitted a letter to Riverside Healthcare requesting a medical exemption from their COVID-19 vaccine mandate. That request, too, was denied.

26. Plaintiff Busato submitted a second request for a religious exemption from their COVID-19 vaccine mandate. Riverside Healthcare has not yet responded to this request.

27. Plaintiff Hamblen then submitted an affidavit requesting a religious exemption from the COVID-19 vaccine mandate. Riverside Healthcare again denied this request.

28. Plaintiffs all promptly filed appeals of their exemption denials with Riverside.

29. On September 21, 2021, Plaintiff Memenga received a letter, dated September 20, 2021, terminating her employment with Riverside Healthcare effective that day for refusing to comply with Riverside's vaccination mandate after being placed on a two-week administrative leave for not meeting the original September 6, 2021 deadline for vaccination.

30. On September 24, 2021, previous counsel for Plaintiffs sent a demand letter to Riverside outlining the Plaintiffs' rights under the HCRCA and federal Title VII.

31. On September 30, 2021, Riverside sent Neelie Panozzo a letter threatening to place her on unpaid leave or terminate her if she did not become vaccinated by October 31.

32. On October 4, 2021, Riverside denied all exemption appeals by Plaintiffs.

33. On October 8, 2021, Riverside's attorney replied to Plaintiffs' demand letter by defending Riverside's position.

34. On October 8, 2021, Riverside sent a letter to Plaintiff Neelie Panozzo informing her that the Medical Executive Committee would be meeting on October 25, 2021, to revoke her clinical privileges and credentials as a necessary step towards termination. The letter recommended resigning, because revocation would become a permanent part of Panozzo's personnel file that would follow her to future medical jobs. A follow-up email indicated all unvaccinated staff would have their credentials revoked that day.

35. On October 8, 2021, Riverside posted a video to YouTube for employees from president Kambic "to answer questions," and "to explain the why of why we're doing some things." In the video, Kambic says that for employees to choose to refuse to be vaccinated is to say, "I'm going to have to leave" Riverside. Kambic also explained the scope of his definition of "patient-facing," saying, "The vast, vast majority of all of our employees touch a patient somehow.

They simply do. Whether they come over to the hospital or to an outpatient setting and walk through, they are coming into contact with patients. That is why everybody has to get vaccinated. There are very few people who don't come to a hospital setting or a care setting.”

36. Now, Plaintiffs Panozzo, Kietzman, Busato, Hamblen, and Wymore must choose between honoring their religious beliefs or keeping their jobs at Riverside Healthcare. They are imminently faced with being discriminated against as a result of their refusal to accept administration of the COVID-19 vaccines, namely termination on October 31 because of their conscientious objection, and loss of clinical privileges on October 25.

37. Plaintiff Memenga has already been the victim of discrimination based on her refusal to accept administration of the COVID-19 vaccines in violation of her religious faith, which resulted in her termination from Riverside Healthcare.

## COUNT I

### **Violation of the Illinois Health Care Right of Conscience Act, 745 ILCS 70/1**

38. Plaintiffs reallege the foregoing paragraphs of this Complaint as though fully set forth herein.

39. Defendants' Employee Mandate violates the HCRCA's prohibition against discrimination, in that they single out Plaintiffs for disparate treatment based on their conscientious refusal to accept administration of a vaccine against COVID-19.

40. Plaintiffs have already exhausted Riverside's administrative process. They received blanket, form denials when they initially filed and blanket, form denials when they appealed. Moreover, Riverside has made clear in its public statements to the news media and employees that it will deny all such requests from patient-facing staff, which it defines to mean anyone who may come into contact with a patient.

41. Plaintiffs are suffering and will continue to suffer irreparable harm as a result of Defendants' discriminatory policies. Plaintiff Memenga has already been fired. The other Plaintiffs face revocation of their clinical credentials on October 25 and termination on October 31 unless they compromise their beliefs.

42. Plaintiffs will continue to be irreparably harmed absent the entry of an injunction barring Defendants from discriminating against them in violation of the HCRCA.

WHEREFORE, the Plaintiffs respectfully pray that the Court grant the following relief:

A. Enter a declaratory judgment finding that Defendants' Employee Mandate, as defined hereinabove, violates 745 ILCS § 70/5;

B. Enter preliminary and permanent injunctions preventing Defendants from enforcing the Employee Mandate against Plaintiffs, in any form;

C. Award Plaintiffs actual damages of at least \$2,500 for each plaintiff, pursuant to 745 ILCS 70/12;

D. Award Plaintiff Memenga treble her actual damages from the loss of her job on September 21, 2021, to the date of the Court's order, and her immediate reinstatement, pursuant to 745 ILCS 70/12;

E. Award Plaintiffs their reasonable costs, expenses, and attorneys' fees, pursuant to 745 ILCS 70/12; and

F. Award Plaintiffs any additional relief the Court deems just and proper.

**Dated: October 13, 2021**

Respectfully Submitted,

NEELIE PANOZZO, VALERIE KIETZMAN, JUDY  
BUSATO, KATHRYN HAMBLÉN, CARMEN  
WYMORE, AND AMY MEMENGA

By: /s/ Jeffrey M. Schwab  
One of their attorneys

Jeffrey M. Schwab (#6290710)  
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*Attorneys for Plaintiffs*

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST CIRCUIT  
KANKAKEE COUNTY, ILLINOIS**

Neelie Panozzo, et al.,

Plaintiffs,

v.

Riverside Healthcare; an Illinois not-for-profit corporation; and Philip M. Kambic, in his capacity as President of Riverside Healthcare,

Defendants.

Case No. 2021 L 108

Damages  
Injunction

**AMENDED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs, Neelie Panozzo and 59 others, by and through their undersigned attorneys, sue Defendants, Riverside Healthcare and Philip Kambic, in his capacity as President of Riverside Healthcare, and state:

1. This is an action for declaratory and injunctive relief arising from Defendants’ mandate that Plaintiffs be vaccinated against COVID-19, in violation of Plaintiffs’ sincerely held moral convictions arising from belief in and relation to God, and thus in derogation of Illinois’ Heath Care Right of Conscience Act, 745 ILCS § 70/1, *et seq.* (the “HCRCA”).

**Parties<sup>1</sup>**

2. Plaintiff Neelie Panozzo is an employee of Riverside Healthcare where she serves as a nurse practitioner. She has been in the medical profession for 24 years, and she has been

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<sup>1</sup> Original Plaintiff Carmen Wymore is removed from the Amended Complaint and withdraws her motion for a temporary restraining order. Pursuant to 735 ILCS 5/2-1009, Wymore sought to voluntarily dismiss her action against Riverside Healthcare and Philip M. Kambic. She has found alternate employment and has resigned from Riverside effective 10/31/21.

employed by Riverside Healthcare for 2 years and 4 months. She is a devout Christian. She is a resident of Kankakee County.

3. Plaintiff Valerie Kietzman is an employee of Riverside Healthcare where she serves as a registered nurse administrative director. Her role is primarily administrative. She has been in the medical profession for 9 years, and she has been employed by Riverside Healthcare for 4 years and 6 months. She is a devout Christian and attends Eastridge Nazarene Church. She is a resident of Kankakee County.

4. Plaintiff Judy Busato is an employee of Riverside Healthcare where she serves as a registered nurse. She has been in the medical profession for 10 years, and she has been employed by Riverside Healthcare for 7 months. She is a devout Catholic and attends St. John Paul II Parish. She is a resident of Kankakee County.

5. Plaintiff Kathryn Hamblen is an employee of Riverside Healthcare where she serves as a nurse practitioner. She has been in the medical profession for 8 years, and she has been employed by Riverside Healthcare for 4 years. She is a devout Christian and attends both a non-denominational and a Nazarene Church. She is a resident of Kankakee County.

6. Plaintiff Amy Memenga was an employee of Riverside Healthcare where she served as a nurse manager. She has been in the medical profession for 26 years, and she was employed by Riverside Healthcare for 26 years. She is a devout Christian and attends Living Stones Church. She is a resident of Kankakee County.

7. Allison Berard, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

8. Alyse Hodgin, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs.

9. Amber Denton, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

10. Amber Marcotte, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

11. Angela Burge, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

12. Anne Bridges, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

13. Ashley Goodman, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

14. Beth Norwick, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

15. Bobbie Rogers, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

16. Bonnie Gross, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

17. Bonnie Rykiel, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

18. Brittany Pommier, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

19. Cassidy Gerdes, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

20. Chris Foster, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

21. Dakota Gable, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

22. Desneiges Hansen, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

23. Dianne Carr, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

24. Gary Hall, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

25. Holly Gade, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

26. Jamie Cockream, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

27. Janet Clifford, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

28. Janet Stryzik, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

29. Jeanne James, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

30. Joanna Labudzki, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

31. Julia Stramaglia, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

32. Kathryn Vana, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

33. Katlyn Scheiber, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

34. Kegan Wagner, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

35. Kelsey Tobey, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

36. Kelsey Tolmer, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

37. Kendra Outsen, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

38. Kimberly Cooper, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

39. Kristen Zigtema, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

40. Laura Wendt, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

41. Lauren Coash, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

42. Leo Hoaglund, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

43. Linda Kendziorek, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

44. Madigan Spenard, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

45. Malia Kollmann, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

46. Margaret Wehrle, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

47. Max Memenga, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

48. Melissa Hennessy, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

49. Merissa Hubert, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

50. Michael Raef, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

51. Molly Snyder, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

52. Monalisa Keele, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

53. Nadya Payne, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

54. Nicole Brewer, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

55. Phylicia Labriola, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

56. Rebecca O'Connor, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

57. Sherrie Robertson, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

58. Tara Kitchens, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

59. Trishelle Hanson, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

60. Valerie Bauer, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

61. Yvonne Walls, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

62. Tenise Irven, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

63. Defendant Riverside Healthcare ("Riverside") is a not-for-profit corporation existing under the laws of the State of Illinois, with its principal place of business located at 350 N. Wall St., Kankakee, IL.

64. Defendant Phillip Kambic is the President of Riverside Healthcare, and as such is responsible for day-to-day management of Riverside, including enforcement of policies such as the vaccination mandate addressed herein.

### **Jurisdiction**

65. This Court has subject matter jurisdiction over this matter under 735 ILCS 5/2-701 because Plaintiffs seek a declaratory judgment that Defendants violated the HCRCA.

66. This Court has personal jurisdiction over the Defendants because this lawsuit arises from Defendants' actions in the State of Illinois.

67. Venue is proper in Kankakee County because Defendants are located in Kankakee County, Illinois, Plaintiffs are employed by Defendants in Kankakee County, and the relevant facts took place in Kankakee County.

### **Factual Allegations**

68. The HCRCA declares that:

[i]t is the public policy of the State of Illinois to respect and protect the right of conscience of all persons who refuse to obtain, receive or accept . . . the delivery of . . . health care services and medical care . . . ; and to prohibit all forms of discrimination, disqualification, coercion, [or] disability . . . upon such persons . . . by reason of their refusing to act contrary to their conscience or conscientious convictions in . . . or refusing to obtain, receive, [or] accept . . . health care services and medical care.

745 ILCS § 70/2 (Findings and Policy of the General Assembly).

69. The HCRCA expressly prohibits discrimination against any individual based on that person's refusal to accept administration of health care services. Specifically, section 70/5 of the HCRCA provides:

It shall be unlawful for any . . . private institution . . . to discriminate against any person in any manner, including but not limited to, licensing, hiring, promotion, transfer, staff appointment, hospital,

managed care entity, or any other privileges, because of such person's *conscientious refusal* to receive, obtain, [or] accept . . . any particular form of *health care services contrary to his or her conscience*.

745 ILCS § 70/5 (emphasis added).

70. The HCRCA defines “conscience” as “a sincerely held set of moral convictions arising from belief in and relation to God, or which, though not so derived, arises from a place in the life of its possessor parallel to that filled by God among adherents to religious faiths[.]” 745 ILCS § 70/3.

71. Riverside is a “private institution” within the meaning of § 70/5 of the HCRCA.

72. By its terms, the HCRCA “shall supersede all other Acts or parts of Acts to the extent that any Acts or parts of Acts are inconsistent with the terms or operation of [the HCRCA].” 74 ILCS 70/14.

73. On August 26, 2021, Illinois Governor J.B. Pritzker issued an executive order mandating health care workers be vaccinated against COVID-19. His order included an option for weekly testing if vaccination would require a health care worker to “violate or forgo a sincerely held religious belief, practice, or observance.”

74. On August 27, 2021, Riverside circulated a memorandum and policy to all employees announcing it was implementing the Governor’s order and offering a process and form by which Riverside employees could secure a religious exemption.

75. All Plaintiffs, as part of their deeply-held religious faith, oppose abortion and the use of aborted fetal tissue or hold other sincere religious objections to the current vaccines.

76. Because all the currently available COVID-19 vaccines were developed with the use of aborted fetal tissue, receiving any COVID-19 vaccine would go against Plaintiffs’ sincerely held religious beliefs.

77. All plaintiffs promptly submitted a letter or form to Riverside Healthcare requesting a religious exemption from their COVID-19 vaccine mandate.

78. On September 10, 2021, after President Biden's speech to the nation, Riverside circulated another memorandum to employees, stating that "Until we receive the [Emergency Temporary Standard from the federal Occupational Safety and Health Administration (OSHA)] and can review its contents in light of the existing emergency order issued by Governor Pritzker, Riverside will be temporarily suspending the decisions on pending religious and medical exemption requests . . ."

79. Nevertheless, after pledging to suspend all decisions on pending religious exemption requests until the OSHA Rule was published (which has not happened as of the date of this filing), on September 17, 2021, Riverside denied all religious exemption requests for all patient-facing employees, including those of Plaintiffs.

80. Plaintiffs who filed appeals of their exemption denials with Riverside also received denials of those appeals.

81. On September 21, 2021, Plaintiff Memenga received a letter, dated September 20, 2021, terminating her employment with Riverside Healthcare effective that day for refusing to comply with Riverside's vaccination mandate after being placed on a two-week administrative leave for not meeting the original September 6, 2021 deadline for vaccination.

82. On September 24, 2021, previous counsel for Plaintiffs sent a demand letter to Riverside outlining the Plaintiffs' rights under the HCRCA and federal Title VII.

83. On September 30, 2021, Riverside sent Neelie Panozzo a letter threatening to place her on unpaid leave or terminate her if she did not become vaccinated by October 31.

84. On or about October 4, 2021, Riverside denied all exemption appeals by Plaintiffs.

85. On October 8, 2021, Riverside's attorney replied to Plaintiffs' demand letter by defending Riverside's position.

86. On October 8, 2021, Riverside sent a letter to Plaintiff Neelie Panozzo informing her that the Medical Executive Committee would be meeting on October 25, 2021, to revoke her clinical privileges and credentials as a necessary step towards termination. The letter recommended resigning, because revocation would become a permanent part of Panozzo's personnel file that would follow her to future medical jobs. A follow-up email indicated all unvaccinated staff would have their credentials revoked that day.

87. On October 8, 2021, Riverside posted a video to YouTube for employees from president Kambic "to answer questions," and "to explain the why of why we're doing some things." In the video, Kambic says that for employees to choose to refuse to be vaccinated is to say, "I'm going to have to leave" Riverside. Kambic also explained the scope of his definition of "patient-facing," saying, "The vast, vast majority of all of our employees touch a patient somehow. They simply do. Whether they come over to the hospital or to an outpatient setting and walk through, they are coming into contact with patients. That is why everybody has to get vaccinated. There are very few people who don't come to a hospital setting or a care setting."

88. Now, Plaintiffs must choose between honoring their religious beliefs or keeping their jobs at Riverside Healthcare. They are imminently faced with being discriminated against as a result of their refusal to accept administration of the COVID-19 vaccines, namely termination on October 31 because of their conscientious objection. Those Plaintiffs who are providers face loss of their medical staff status.

89. Plaintiff Memenga has already been the victim of discrimination based on her refusal to accept administration of the COVID-19 vaccines in violation of her religious faith, which resulted in her termination from Riverside Healthcare.

### COUNT I

#### **Violation of the Illinois Health Care Right of Conscience Act, 745 ILCS 70/1**

90. Plaintiffs reallege the foregoing paragraphs of this Complaint as though fully set forth herein.

91. Defendants' Employee Mandate violates the HCRCA's prohibition against discrimination, in that they single out Plaintiffs for disparate treatment based on their conscientious refusal to accept, receive, or obtain administration of a vaccine against COVID-19.

92. Plaintiffs have already exhausted Riverside's administrative process. They received blanket, form denials when they initially filed and blanket, form denials when they appealed. Moreover, Riverside has made clear in its public statements to the news media and employees that it will deny all such requests from patient-facing staff, which it defines to mean anyone who may come into contact with a patient.

93. Plaintiffs are suffering and will continue to suffer irreparable harm as a result of Defendants' discriminatory policies. Plaintiff Memenga has already been fired. The other Plaintiffs face revocation of their clinical credentials and termination on October 31 or shortly thereafter unless they compromise their beliefs.

94. Plaintiffs will continue to be irreparably harmed absent the entry of an injunction barring Defendants from discriminating against them in violation of the HCRCA.

WHEREFORE, the Plaintiffs respectfully pray that the Court grant the following relief:

A. Enter a declaratory judgment finding that Defendants' Employee Mandate, as defined hereinabove, violates 745 ILCS § 70/5;

B. Enter preliminary and permanent injunctions preventing Defendants from enforcing the Employee Mandate against Plaintiffs, in any form;

C. Award Plaintiffs actual damages of at least \$2,500 for each plaintiff, pursuant to 745 ILCS 70/12;

D. Award Plaintiff Memenga treble her actual damages from the loss of her job on September 21, 2021, to the date of the Court's order, and her immediate reinstatement, pursuant to 745 ILCS 70/12;

E. Award Plaintiffs their reasonable costs, expenses, and attorneys' fees, pursuant to 745 ILCS 70/12; and

F. Award Plaintiffs any additional relief the Court deems just and proper.

Dated: October 27, 2021

Respectfully Submitted,

Neelie Panozzo, et al.

By: /s/ Jeffrey M. Schwab  
One of their attorneys

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*Attorneys for Plaintiffs*

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST CIRCUIT  
KANKAKEE COUNTY, ILLINOIS**

NEELIE PANOZZO, et al.,

Plaintiffs,

v.

RIVERSIDE HEALTHCARE; et al.,

Defendants.

Case No. 2021 L 108

**SECOND AMENDED COMPLAINT**

Plaintiffs, Neelie Panozzo and 70 others, by and through their undersigned attorneys, sue Defendants, Riverside Healthcare and Philip Kambic, in his capacity as President of Riverside Healthcare, and state:

1. This is an action for declaratory and injunctive relief, and damages arising from Defendants’ mandate that Plaintiffs be vaccinated against COVID-19, in violation of Plaintiffs’ sincerely held religious beliefs in derogation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. (“Title VII”), and in violation of Illinois’ Heath Care Right of Conscience Act, 745 ILCS § 70/1, et seq. (the “HCRCA”).

**Parties**

2. Plaintiff Neelie Panozzo is an employee of Riverside Healthcare where she serves as a nurse practitioner. She has been in the medical profession for 24 years, and she has been employed by Riverside Healthcare for 2 years and 4 months. She is a devout Christian. She is a resident of Kankakee County.

3. Plaintiff Valerie Kietzman is an employee of Riverside Healthcare where she serves as a registered nurse administrative director. Her role is primarily administrative. She has been in

the medical profession for 9 years, and she has been employed by Riverside Healthcare for 4 years and 6 months. She is a devout Christian and attends Eastridge Nazarene Church. She is a resident of Kankakee County.

4. Plaintiff Judy Busato is an employee of Riverside Healthcare where she serves as a registered nurse. She has been in the medical profession for 10 years, and she has been employed by Riverside Healthcare for 7 months. She is a devout Catholic and attends St. John Paul II Parish. She is a resident of Kankakee County.

5. Plaintiff Kathryn Hamblen is an employee of Riverside Healthcare where she serves as a nurse practitioner. She has been in the medical profession for 8 years, and she has been employed by Riverside Healthcare for 4 years. She is a devout Christian and attends both a non-denominational and a Nazarene Church. She is a resident of Kankakee County.

6. Plaintiff Amy Memenga was an employee of Riverside Healthcare where she served as a nurse manager. She has been in the medical profession for 26 years, and she was employed by Riverside Healthcare for 26 years. She is a devout Christian and attends Living Stones Church. She is a resident of Kankakee County.

7. Plaintiff Allison Berard, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

8. Alyse Hodgin, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request. Hodgin felt compelled to get the first dose of the COVID-19 vaccine in violation of her sincerely held religious beliefs because of the threat of being fired.

9. Plaintiff Amber Denton, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

10. Plaintiff Amber Marcotte, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

11. Plaintiff Angela Burge, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

12. Plaintiff Anne Bridges, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

13. Plaintiff Ashley Goodman, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

14. Plaintiff Beth Norwick, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

15. Plaintiff Bobbie Rogers, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

16. Plaintiff Bonnie Gross, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

17. Plaintiff Bonnie Rykiel, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

18. Brittany Pommier, an employee of a contractor of Riverside Healthcare, worked at a Riverside facility. Although she sought a vaccine exemption based on sincerely held religious beliefs, she was fired by her employer because Riverside would not allow her religious accommodation.

19. Plaintiff Cassidy Gerdes, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

20. Plaintiff Chris Foster, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

21. Plaintiff Dakota Gable, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

22. Plaintiff Desneiges Hansen, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

23. Plaintiff Dianne Carr, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

24. Plaintiff Gary Hall, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

25. Plaintiff Holly Gade, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

26. Plaintiff Jamie Cockream, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

27. Janet Clifford, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request. Clifford felt compelled to get the first dose of the COVID-19 vaccine in violation of her sincerely held religious beliefs because of the threat of being fired.

28. Plaintiff Janet Strysik, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

29. Plaintiff Jeanne James, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

30. Plaintiff Joanna Labudzki, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

31. Plaintiff Julia Stramaglia, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

32. Plaintiff Kathryn Vana, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

33. Plaintiff Katlyn Schreiber, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

34. Plaintiff Kegan Wagner, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

35. Plaintiff Kelsey Tobey, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

36. Plaintiff Kelsey Tolmer, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

37. Plaintiff Kendra Outsen, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

38. Plaintiff Kimberly Cooper, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

39. Plaintiff Kristen Zigtema, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

40. Plaintiff Laura Wendt, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

41. Plaintiff Lauren Coash, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

42. Plaintiff Leo Hoaglund, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

43. Plaintiff Linda Kendziorek, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

44. Plaintiff Madigan Spenard, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

45. Plaintiff Malia Kollmann, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

46. Plaintiff Margaret Wehrle, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

47. Plaintiff Max Memenga, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

48. Plaintiff Melissa Hennessy, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

49. Plaintiff Merissa Hubert, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

50. Plaintiff Michael Raef, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

51. Plaintiff Molly Snyder, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

52. Plaintiff Monalisa Keele, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

53. Plaintiff Nadya Payne, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

54. Plaintiff Nicole Brewer, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

55. Plaintiff Phylicia Labriola, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

56. Plaintiff Rebecca O'Connor, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

57. Plaintiff Sherrie Robertson, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

58. Plaintiff Tara Kitchens, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

59. Plaintiff Trishelle Hanson, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

60. Plaintiff Valerie Bauer, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

61. Plaintiff Yvonne Walls, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

62. Plaintiff Tenise Irven, an employee of Riverside Healthcare, requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

63. Melissa Harms is a former employee of Riverside Healthcare. Harms requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

64. Sierra Sims is a former intern of Riverside Healthcare. Sims requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

65. Liam O'Connor is a former intern of Riverside Healthcare. O'Connor requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

66. Gabriel O'Connor is a former intern of Riverside Healthcare. O'Connor requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

67. Nicole Boersma is a former employee of Riverside Healthcare. Boersma requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

68. Rebecca Bettenhausen is a former employee of Riverside Healthcare. Bettenhausen requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

69. Mindy Miller is the parent or legal guardian of minor C.M. C.M. was unable to complete her clinical rotation at Riverside Healthcare. C.M. requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request. Mindy Miller brings this action on behalf of C.M.

70. Nichole Bednarz is a former employee of Riverside Healthcare. Bednarz requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

71. Michael Keen is a former employee of Riverside Healthcare. Keen requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

72. Stephanie Green is a former employee of Riverside Healthcare. Green requested a vaccine exemption based on sincerely held religious beliefs. Riverside denied that request.

73. Defendant Riverside Healthcare (“Riverside”) is a not-for-profit corporation existing under the laws of the State of Illinois, with its principal place of business located at 350 N. Wall St., Kankakee, IL.

74. Defendant Phillip Kambic is the President of Riverside Healthcare, and as such is responsible for day-to-day management of Riverside, including enforcement of policies such as the vaccination mandate addressed herein.

### **Jurisdiction**

75. This Court has subject matter jurisdiction over this matter under 735 ILCS 5/2-701 because Plaintiffs seek a declaratory judgment that Defendants violated the HCRCA.

76. This Court has personal jurisdiction over the Defendants because this lawsuit arises from Defendants’ actions in the State of Illinois.

77. Venue is proper in Kankakee County because Defendants are located in Kankakee County, Illinois, Plaintiffs are employed by Defendants in Kankakee County, and the relevant facts took place in Kankakee County.

### **Factual Allegations**

#### *Title VII*

78. Title VII prohibits employers from failing or refusing to hire or to discharge any individual, or to otherwise discriminate with respect to an employee’s compensation, terms, conditions, or privileges of employment, because of the employee’s race, color, religion, sex, or national origin. 42 U.S.C. § 2000e-2(a)(1).

79. Several courts in Illinois and throughout the nation have already issued injunctive relief to plaintiffs who are threatened with adverse employment consequences because of their religious-based objections to COVID-19 vaccines. *See, e.g., Darnell et. al. v. Quincy Physicians*

*and Surgeons Clinic, S.C. and Blessing Corporate Services, Inc.*, Case No. 2021 MR 193 (18th Judicial Cir. Adams County, IL October 1, 2021) (granting TRO under HCRCRA, and enjoining healthcare provider from taking adverse action against healthcare employees declining COVID-19 vaccination on religious and conscience grounds); *Dr. A. v. Hochul*, No. 1:21-CV-1009- DNH-ML, 2021 WL 4734404, \*9 (N.D.N.Y. Sept. 14, 2021) (granting preliminary injunction against enforcement of New York’s COVID-19 vaccine mandate on healthcare workers for failure to grant religious exemptions and noting that “Title VII does not demand mere neutrality with regard to religious practices . . . rather, it gives them favored treatment.” Thus, under certain circumstances, Title VII “requires otherwise-neutral policies to give way to the need for an accommodation.”); *We The Patriots USA, Inc. v. v. Hochul*, No. 21-2179, dkt. 65 (2d Cir. Sept. 30, 2021) (issuing an injunction pending appeal against enforcement of New York’s COVID-19 Vaccine Mandate for its failure to allow for religious accommodations); *Dahl v. Bd. of Trustees of W. Michigan Univ.*, No. 21-2945, 2021 WL 4618519 (6th Cir. Oct. 7, 2021) (allowing the preliminary injunction to stand against a University’s failure to accommodate student athletes with sincerely held religious objections to the COVID-19 vaccine mandate and noting that “The University put plaintiffs to the choice: get vaccinated or stop fully participating in intercollegiate sports. . . . By conditioning the privilege of playing sports on plaintiffs’ willingness to abandon their sincere religious beliefs, the University burdened their free exercise rights.”); *Magliulo v. Edward Via College of Osteopathic Medicine*, No. 3:21-CV-2304, 2021 WL 36799227 (W.D. La. Aug. 17, 2021) (granting temporary restraining order against a medical school for the school’s failure to grant religious exemptions when reasonable accommodations were available (such as masking, testing, etc.) and mandatory vaccination was not the least restrictive means of achieving the school’s interest in protecting the school’s student body); *Bilyeu v. UT-Battelle, LLC*, No. 3:21-cv-352, 2021 WL 4859932 (E.D.

Tenn. Oct. 15, 2021) (granting TRO enjoining healthcare employer “from terminating or placing on indefinite unpaid leave any employee who has received a religious or medical accommodation”).

*HCRC A*

80. The HCRC A declares that:

[i]t is the public policy of the State of Illinois to respect and protect the right of conscience of all persons who refuse to obtain, receive or accept . . . the delivery of . . . health care services and medical care . . . ; and to prohibit all forms of discrimination, disqualification, coercion, [or] disability . . . upon such persons . . . by reason of their refusing to act contrary to their conscience or conscientious convictions in . . . or refusing to obtain, receive, [or] accept . . . health care services and medical care. 745 ILCS § 70/2 (Findings and Policy of the General Assembly).

81. The HCRC A expressly prohibits discrimination against any individual based on that person’s refusal to accept administration of health care services. Specifically, section 70/5 of the HCRC A provides:

It shall be unlawful for any . . . private institution . . . to discriminate against any person in any manner, including but not limited to, licensing, hiring, promotion, transfer, staff appointment, hospital, managed care entity, or any other privileges, because of such person’s conscientious refusal to receive, obtain, [or] accept . . . any particular form of health care services contrary to his or her conscience. 745 ILCS § 70/5 (emphasis added).

82. The HCRC A defines “conscience” as “a sincerely held set of moral convictions arising from belief in and relation to God, or which, though not so derived, arises from a place in the life of its possessor parallel to that filled by God among adherents to religious faiths[.]” 745 ILCS § 70/3.

83. Riverside is a “private institution” within the meaning of § 70/5 of the HCRC A.

84. By its terms, the HCRCA “shall supersede all other Acts or parts of Acts to the extent that any Acts or parts of Acts are inconsistent with the terms or operation of [the HCRCA].” 74 ILCS 70/14.

*Riverside and Plaintiffs*

85. On August 26, 2021, Illinois Governor J.B. Pritzker issued an executive order mandating health care workers be vaccinated against COVID-19. His order included an option for weekly testing if vaccination would require a health care worker to “violate or forgo a sincerely held religious belief, practice, or observance.”

86. On August 27, 2021, Riverside circulated a memorandum and policy to all employees announcing it was implementing the Governor’s order and offering a process and form by which Riverside employees could secure a religious exemption.

87. All Plaintiffs, as part of their deeply-held religious faith, oppose abortion and the use of aborted fetal tissue or hold other sincere religious objections to the current vaccines.

88. Because all the currently available COVID-19 vaccines were developed with the use of aborted fetal tissue, receiving any COVID-19 vaccine would go against Plaintiffs’ sincerely held religious beliefs.

89. All plaintiffs promptly submitted a letter or form to Riverside Healthcare requesting a religious exemption from their COVID-19 vaccine mandate.

90. On September 10, 2021, after President Biden’s speech to the nation, Riverside circulated another memorandum to employees, stating that “Until we receive the [Emergency Temporary Standard from the federal Occupational Safety and Health Administration (OSHA)] and can review its contents in light of the existing emergency order issued by Governor Pritzker,

Riverside will be temporarily suspending the decisions on pending religious and medical exemption requests . . .”

91. Nevertheless, after pledging to suspend all decisions on pending religious exemption requests until the OSHA Rule was published (which was issued on November 4, 2021), on September 17, 2021, Riverside denied all religious exemption requests for all patient-facing employees, including those of Plaintiffs.

92. Riverside has implemented a policy to deny any religious accommodation request by any employee it deemed to be in a patient-facing position.

93. Plaintiffs who filed appeals of their exemption denials with Riverside also received denials of those appeals.

94. On September 21, 2021, Plaintiff Memenga received a letter, dated September 20, 2021, terminating her employment with Riverside Healthcare effective that day for refusing to comply with Riverside’s vaccination mandate after being placed on a two-week administrative leave for not meeting the original September 6, 2021 deadline for vaccination.

95. On September 24, 2021, previous counsel for Plaintiffs sent a demand letter to Riverside outlining the Plaintiffs’ rights under the HCRCA and federal Title VII.

96. On September 30, 2021, Riverside sent Neelie Panozzo a letter threatening to place her on unpaid leave or terminate her if she did not become vaccinated by October 31.

97. On or about October 4, 2021, Riverside denied all exemption appeals by Plaintiffs.

98. On October 8, 2021, Riverside’s attorney replied to Plaintiffs’ demand letter by defending Riverside’s position.

99. On October 8, 2021, Riverside sent a letter to Plaintiff Neelie Panozzo informing her that the Medical Executive Committee would be meeting on October 25, 2021, to revoke her

clinical privileges and credentials as a necessary step towards termination. The letter recommended resigning, because revocation would become a permanent part of Panozzo's personnel file that would follow her to future medical jobs. A follow-up email indicated all unvaccinated staff would have their credentials revoked that day.

100. On October 8, 2021, Riverside posted a video to YouTube for employees from president Kambic "to answer questions," and "to explain the why of why we're doing some things." In the video, Kambic says that for employees to choose to refuse to be vaccinated is to say, "I'm going to have to leave" Riverside. Kambic also explained the scope of his definition of "patient-facing," saying, "The vast, vast majority of all of our employees touch a patient somehow. They simply do. Whether they come over to the hospital or to an outpatient setting and walk through, they are coming into contact with patients. That is why everybody has to get vaccinated. There are very few people who don't come to a hospital setting or a care setting."

101. Now, Plaintiffs must choose between honoring their religious beliefs or keeping their jobs at Riverside Healthcare. They are imminently faced with being discriminated against as a result of their refusal to accept administration of the COVID-19 vaccines, namely termination because of their conscientious objection. Those Plaintiffs who are providers face loss of their medical staff status.

102. Plaintiffs Memenga, Harms, Sims, Keen, Boersma, Bettenhausen, C.M., Bednarz, Stephanie Green, Liam O'Connor, and Gabriel O'Connor have already been the victims of discrimination based on their refusal to accept administration of the COVID-19 vaccines in violation of their religious faith, which resulted in her termination from Riverside Healthcare.

103. Plaintiff Pommier, who worked at a Riverside facility, and was employed by a contractor of Riverside, was terminated by her employer for her refusal to comply with Riverside's vaccine mandate based on her sincerely-held religious belief.

104. Plaintiffs Hodgkin and Clifford, employees of Riverside, made the difficult decision to violate their own sincerely held religious beliefs by obtaining the first dose of the COVID-19 vaccine rather than be terminated.

### **Count I**

#### **Violation of the Illinois Health Care Right of Conscience Act, 745 ILCS 70/1**

105. Plaintiffs reallege the foregoing paragraphs of this Complaint as though fully set forth herein.

106. Defendants' vaccine mandate violates the HCRCA's prohibition against discrimination, in that they single out Plaintiffs for disparate treatment based on their conscientious refusal to accept, receive, or obtain administration of a vaccine against COVID-19.

107. Plaintiffs have already exhausted Riverside's administrative process. They received blanket, form denials when they initially filed and blanket, form denials when they appealed. Moreover, Riverside has made clear in its public statements to the news media and employees that it will deny all such requests from patient-facing staff, which it defines to mean anyone who may come into contact with a patient.

108. Plaintiffs are suffering and will continue to suffer irreparable harm as a result of Defendants' discriminatory policies. Plaintiffs Memenga, Pommier, Harms, Sims, Keen, Boersma, Bettenhausen, C.M., Bednarz, Stephanie Green, Liam O'Connor, and Gabriel O'Connor have already been terminated from their positions. Plaintiffs Hodgkin and Clifford made the difficult decision to violate their own sincerely held religious beliefs by obtaining the first dose of the COVID-19 vaccine rather than be terminated. The other Plaintiffs face revocation of their clinical

credentials and termination on October 31 or shortly thereafter unless they compromise their beliefs.

109. Plaintiffs will continue to be irreparably harmed absent the entry of an injunction barring Defendants from discriminating against them in violation of the HCRCA.

**Count II**  
**Violation of Title VII of the Civil Rights Act of 1964, 42 USC § 2000e, et seq.**

110. Plaintiffs reallege the foregoing paragraphs of this Complaint as though fully set forth herein.

111. Title VII of the Civil Rights Act of 1964 prohibits Defendants from discriminating against their employees on the basis of their sincerely held religious beliefs. *See* 42 U.S.C. § 2000e-2(a).

112. Plaintiffs, employees of Defendants, hold sincere religious beliefs that preclude them from receiving a COVID-19 vaccine.

113. Plaintiffs informed Defendants of those beliefs and requested religious exemptions and reasonable accommodations from the vaccine mandate.

114. Defendants have failed to engage in the interactive process with Plaintiffs regarding their religious accommodation requests. Instead, Defendants denied *all* religious accommodation requests with a blanket email.

115. Irrespective of the interactive process, Defendants failed to provide Plaintiffs with religious exemptions and reasonable accommodations, thereby discriminating against Plaintiffs because of their religious beliefs.

116. Defendants' failure to provide religious exemptions or offer any reasonable accommodation has harmed and will continue to harm Plaintiffs.

117. By failing to engage in the interactive process or offer any reasonable accommodation, Defendants' discriminatory actions were intentional and/or reckless and in violation of Title VII.

**Prayer for Relief**

WHEREFORE, the Plaintiffs respectfully pray that the Court grant the following relief:

A. Enter a declaratory judgment finding that Defendants' vaccine mandate, as defined hereinabove, violates 745 ILCS § 70/5;

B. Enter a declaratory judgment finding that Defendants' refusal to participate in the interactive process or offer reasonable accommodations violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq.

C. Enter a temporary restraining order, a preliminary injunction, and a permanent injunction preventing Defendants from enforcing the vaccine mandate against Plaintiffs, in any form;

D. Award Plaintiffs actual damages of at least \$2,500 for each plaintiff, pursuant to 745 ILCS 70/12;

E. Award Plaintiffs Memenga, Pommier, Harms, Sims, Keen, Boersma, Bettenhausen, C.M., Bednarz, Stephanie Green, Liam O'Connor, and Gabriel O'Connor treble their actual damages from the date of the loss of their jobs, to the date of the Court's order, pursuant to 745 ILCS 70/12;

F. Award Plaintiffs Hodgkin and Clifford damages for being forced to choose keeping their jobs by violating their sincerely-held religious beliefs by obtaining the first dose of the COVID-19 vaccine.

G. Award Plaintiffs their reasonable costs, expenses, and attorneys' fees, pursuant to 745 ILCS 70/12; and

H. Award Plaintiffs any additional relief the Court deems just and proper.

Dated: November 24, 2021

Respectfully Submitted,

NEELIE PANOZZO, et al.

By: /s/ Jeffrey M. Schwab  
One of their attorneys

Jeffrey M. Schwab (#6290710)  
Daniel R. Suhr (R. 707 PHV # 6338580)  
Liberty Justice Center  
141 West Jackson Blvd., Suite 1065  
Chicago, Illinois 60604  
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jschwab@libertyjusticecenter.org  
dsuhr@libertyjusticecenter.org

*Attorneys for Plaintiffs*

IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT  
KANKAKEE COUNTY

Clerk, U.S. District Court, ILCD

Panozzo et al.  
Plaintiff(s)

vs

Riverside Healthcare et al.  
Defendant(s)

Case No. 2021 L 108

**FILED**

**OCT 25 2021**

*Sandra M. Cramer*  
CIRCUIT COURT CLERK

**COURT ORDER**

This case coming before the Court on Plaintiffs' motion for Temporary Restraining Order, the parties being presents, and the Court being advised on the premises of the motion and defendants' opposition, through the parties' filings and arguments in open court, **IT IS HEREBY ORDERED**

The Court finds that to grant a TRO it must decide whether it can provide a remedy to maintain the status quo while the Court determines the motion for preliminary injunction.

The Court's finding is with respect to <sup>Ketzman</sup> Plaintiffs: Panozzo, Busto, Hamblen, and Memenga.

The Court finds that Plaintiffs have shown a fair question about an existing right and the need to protect the status quo.

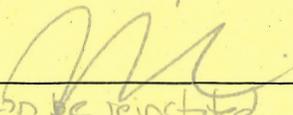
The Court finds that having to choose between two deeply held moral obligations: their religious convictions + their employment is enough to create irreparable harm and that Plaintiffs have no adequate remedy at law.

The Court finds that Plaintiffs have raised a fair question as to their rights asserted as to show a likelihood of success under the HCPRA.

~~The Court finds that the probability of harm to Plaintiffs~~  
The Court therefore holds that Plaintiffs motion for TRO is granted w/ respect to Plaintiffs, Panozzo, Busto, Ketzman, and Hamblen, pending a hearing on the motion for preliminary injunction.

A TRO is not granted to reinstate Plaintiff Memenga. Her status with whether she can be reinstated be decided at a later hearing - transferred out of TFS.

Dated 10/25/21, 20

Entered: 

**Exhibit 5**

(Judge)

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST CIRCUIT  
KANKAKEE COUNTY, ILLINOIS**

NEELIE PANOZZO, et al.,

Plaintiffs,

v.

RIVERSIDE HEALTHCARE; et al.,

Defendants.

Case No. 2021 L 108

**FILED**

NOV 01 2021

*Sandra M. Cincin*  
CIRCUIT COURT CLERK

**ORDER**

This matter coming to be heard on Plaintiffs' Emergency Motion to Join Plaintiffs, to voluntary dismiss Plaintiff Wymore, to Amend the Complaint *Instante*, and for temporary restraining order, the parties being present, and the Court being advised on its premises,

**IT IS HEREBY ORDERED**

- Plaintiffs' motion to join additional plaintiffs is granted.
- Plaintiffs' motion to voluntarily dismiss Plaintiff Carmen Wymore is granted.
- Plaintiffs' motion to amend the complaint *instante* is granted.
- Upon agreement of the parties, Plaintiffs' motion for TRO is considered a motion to amend the existing TRO.
- Plaintiffs' motion to amend the TRO is granted to include the following additional plaintiffs: Allison Berard, Amber Denton, Amber Marcotte, Angela Burge, Anne Bridges, Ashley Goodman, Beth Norwick, Bobbie Rogers, Bonnie Gross, Bonnie Rykiel, Cassidy Gerdes, Chris Foster, Dakota Gable, Desneiges Hansen, Dianne Carr, Gary Hall, Holly Gade, Jamie Cockream, Janet Strysik, Jeanne James, Joanna Brychta, Julia Stramaglia, Kathryn Vana, Katlyn Scheiber, Kegan Wagner, Kelsey Tobey, Kelsey Tolmer, Kendra Outsen, Kimberly Cooper, Kristen Zigtama, Laura Wendt, Lauren Coash, Leo Hoaglund, Linda Kendziorek, Madigan Spenard, Malia Kollmann, Margaret Wehrle, Max Memenga, Melissa Hennessy, Merissa Hubert, Michael Raef, Molly Snyder, Monalisa Keele, Nadya Payne, Nicole Brewer, Phylicia Labriola, Rebecca O'Connor, Sherrie Robertson, Tara Kitchens, Trishelle Hanson, Valerie Bauer, Yvonne Walls, Tenise Irvn.

- The TRO does not apply to Plaintiffs Janet Clifford and Alyse Hodgin because they did not submit timely religious exemption forms to Defendant Riverside.
- The TRO also does not apply to Plaintiff Brittany Pommier, as she is employed by a contractor of Riverside, but the parties shall submit any briefs, documents, or other information related to Plaintiff Pommier's motion for TRO by Friday, November 5, 2021.
- A hearing on Plaintiff Pommier's motion for TRO is set for Monday, November 8, 2021 at 11:30 AM via Zoom.
- The Court waives bond for good cause for the TRO but will set one if the Court grants a preliminary injunction.
- The Court emphasizes that this TRO covers only vaccination. It does not apply to other safety COVID-19 protocols implemented by Defendant Riverside.
- The hearing date for the motion for preliminary injunction set for November 19, 2021 is stricken and reset for Tuesday, January 11, 2022 at 2:30 PM.
- The December 13, 2021 case management date is stricken.
- The November 1, 2021 hearing on Plaintiffs' motion to substitute judge is stricken.
- The briefing schedule on the motion for preliminary injunction is stricken and reset as follows:
  - Plaintiffs' brief in support of the motion for preliminary injunction is due November, 5, 2021;
  - Defendants' brief in opposition of the motion for preliminary injunction is due November 19, 2021;
  - Plaintiffs' reply brief is due December 3, 2021.

Dated: November 1, 2021

Entered: Mi (Judge)

**FILED**

NOV 19 2021

*Sandra M. Cianci*  
CIRCUIT COURT CLERK

Panozzo et al.  
Plaintiff(s)

vs

Riverside Healthcare, et al.  
Defendant(s)

Case No. 2021 4 108

**COURT ORDER**

This case coming to be heard on Defendants' Emergency Motion to Dissolve Temporary Restraining Order or, in the Alternative, to Set Bond, the counsel for the parties being present, and the Court having been fully informed of its premises;

IT IS HEREBY ORDERED:

- Defendants and Plaintiffs agree that the TRO currently in place shall expire on December 5, ~~2021~~ 2021;
- Plaintiffs are granted leave to amend their complaint;
- Defendants' previous deadline to answer the complaint is stricken;
- Defendants are given 21 days from the date Plaintiffs file their amended complaint to answer or otherwise plead;
- Should Defendants file a motion to dismiss, Plaintiffs are given 21 days from the date of filing to respond;
- Defendants are given 14 days to reply in support of their motion to dismiss

Dated 11/19, 20 21

Entered: [Signature]  
(Judge)

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT  
KANKAKEE COUNTY, ILLINOIS**

NEELIE PANOZZO, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 2021 L 108
	)	
RIVERSIDE HEALTHCARE, ET AL.	)	
	)	
Defendants.	)	

**NOTICE TO STATE COURT OF REMOVAL TO FEDERAL COURT**

TO: THE CLERK OF THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT, KANKAKEE COUNTY, ILLINOIS

Defendants, Riverside Healthcare and Phillip Kambic (collectively, “Defendants”), by and through their counsel, hereby give written notice that a Notice of Removal of the above-captioned action from this Court to the United States District Court for the Central District of Illinois was filed on November 29, 2021 in said United States District Court. A copy of the Notice of Removal is attached hereto as **Exhibit 1**.

Pursuant to 28 U.S.C. § 1446(d), the filing of this Notice to State Court of Removal to Federal Court, together with the filing of the attached copy of the Notice of Removal, effects the removal of this action and this Court may proceed no further unless and until the case is remanded by the United States District Court for the Central District of Illinois.

Dated: November 29, 2021

Respectfully Submitted,

RIVERSIDE HEALTHCARE AND  
PHILLIP M. KAMBIC

                                /s/ Michael R. Phillips  
One of their Attorneys

Michael R. Phillips  
Joel H. Spitz  
Katharine P. Lennox  
Chen G. Ni  
MCGUIREWOODS LLP  
77 W. Wacker Drive, Suite 4100  
Chicago, IL 60601-1818  
(312) 849-8100  
Firm ID # 40426

**CERTIFICATE OF SERVICE**

I certify that on November 29, 2021, I filed and served the foregoing document upon the following individuals via the Court's electronic filing system and electronic mail:

Jeffrey M. Schwab (#6290710)  
Daniel R. Suhr (R. 707 PHV # 6338580)  
Liberty Justice Center  
141 West Jackson Blvd., Suite 1065  
Chicago, Illinois 60604  
Phone: (312) 637-2280  
Fax: (312) 263-7702  
[jschwab@libertyjusticecenter.org](mailto:jschwab@libertyjusticecenter.org)  
[dsuhr@libertyjusticecenter.org](mailto:dsuhr@libertyjusticecenter.org)

*Attorneys for Plaintiffs*

/s/ Michael R. Phillips

Michael R. Phillips  
McGuireWoods LLP

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the rules of procedure provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Neelie Panozzo, et al.

(b) County of Residence of First Listed Plaintiff Kankakee
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey M. Schwab, Daniel R. Suhr;
Liberty Justice Center; 141 West Jackson Blvd., Ste.
1065. Chicago. IL 60604: (312) 637-2280

DEFENDANTS

Riverside Healthcare and Phillip Kambic

County of Residence of First Listed Defendant Kankakee
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Michael R. Phillips, Joel H. Spitz, Katharine P. Lennox;
McGuireWoods LLP; 77 W. Wacker Dr., 41st Floor,
Chicago. IL 60601: (312) 849-8100

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 2000e et seq.
Brief description of cause:
Employment discrimination on the basis of religious beliefs, failure to accommodate religious beliefs

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE November 29, 2021 SIGNATURE OF ATTORNEY OF RECORD Michael R. Phillips

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# CIVIL COVER SHEET

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## I. (a) PLAINTIFFS

Neelie Panozzo, et al.

(b) County of Residence of First Listed Plaintiff Kankakee  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Jeffrey M. Schwab, Daniel R. Suhr;  
Liberty Justice Center; 141 West Jackson Blvd., Ste.  
1065. Chicago. IL 60604: (312) 637-2280

## DEFENDANTS

Riverside Healthcare and Phillip Kambic

County of Residence of First Listed Defendant Kankakee  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Michael R. Phillips, Joel H. Spitz, Katharine P. Lennox;  
McGuireWoods LLP; 77 W. Wacker Dr., 41st Floor,  
Chicago. IL 60601: (312) 849-8100

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. § 2000e et seq.  
Brief description of cause:  
Employment discrimination on the basis of religious beliefs, failure to accommodate religious beliefs

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ \_\_\_\_\_ CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: November 29, 2021 SIGNATURE OF ATTORNEY OF RECORD: Michael R. Phillips

### FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# **EXHIBIT B**

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT  
KANKAKEE COUNTY, ILLINOIS**

NEELIE PANOZZO, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 2021 L 108
	)	
RIVERSIDE HEALTHCARE, ET AL.	)	
	)	
Defendants.	)	

**NOTICE TO STATE COURT OF REMOVAL TO FEDERAL COURT**

TO: THE CLERK OF THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT, KANKAKEE COUNTY, ILLINOIS

Defendants, Riverside Healthcare and Phillip Kambic (collectively, “Defendants”), by and through their counsel, hereby give written notice that a Notice of Removal of the above-captioned action from this Court to the United States District Court for the Central District of Illinois was filed on November 29, 2021 in said United States District Court. A copy of the Notice of Removal is attached hereto as **Exhibit 1**.

Pursuant to 28 U.S.C. § 1446(d), the filing of this Notice to State Court of Removal to Federal Court, together with the filing of the attached copy of the Notice of Removal, effects the removal of this action and this Court may proceed no further unless and until the case is remanded by the United States District Court for the Central District of Illinois.

Dated: November 29, 2021

Respectfully Submitted,

RIVERSIDE HEALTHCARE AND  
PHILLIP M. KAMBIC

*/s/ Michael R. Phillips*  
One of their Attorneys

Michael R. Phillips  
Joel H. Spitz  
Katharine P. Lennox  
Chen G. Ni  
MCGUIREWOODS LLP  
77 W. Wacker Drive, Suite 4100  
Chicago, IL 60601-1818  
(312) 849-8100  
Firm ID # 40426

**CERTIFICATE OF SERVICE**

I certify that on November 29, 2021, I filed and served the foregoing document upon the following individuals via the Court's electronic filing system and electronic mail:

Jeffrey M. Schwab (#6290710)  
Daniel R. Suhr (R. 707 PHV # 6338580)  
Liberty Justice Center  
141 West Jackson Blvd., Suite 1065  
Chicago, Illinois 60604  
Phone: (312) 637-2280  
Fax: (312) 263-7702  
[jschwab@libertyjusticecenter.org](mailto:jschwab@libertyjusticecenter.org)  
[dsuhr@libertyjusticecenter.org](mailto:dsuhr@libertyjusticecenter.org)

*Attorneys for Plaintiffs*

/s/ Michael R. Phillips  
Michael R. Phillips  
McGuireWoods LLP

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS**

<b>NEELIE PANOZZO, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. _____</b>
	)	
<b>RIVERSIDE HEALTHCARE, et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Riverside Healthcare (“Riverside”) and Phillip M. Kambic (“Kambic”) (collectively, “Defendants”) hereby remove the above-captioned matter from the Circuit Court of the Twenty-First Judicial Circuit, Kankakee County, Illinois to the United States District Court for the Central District of Illinois. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331. As grounds for removal of this action, Defendants state as follows:

**I. PLEADING AND PROCEDURES**

1. Defendants remove this action to Federal Court based on federal question jurisdiction pursuant to 28 U.S.C. § 1331.

2. On or around October 13, 2021, Plaintiffs Neelie Panozzo, Valerie Kietzman, Judy Busato, Kathryn Hamblen, Carmen Wymore, and Amy Memenga commenced this civil action by filing a Complaint for Declaratory and Injunctive Relief (“Complaint”) against Defendants captioned *Neelie Panozzo et al. v. Riverside Healthcare et al.*, Case No. 2021L108, in the Circuit Court of the Twenty-First Judicial Circuit, Kankakee County, Illinois (the “State Court”). In the original Complaint, Plaintiffs asserted a single count alleging that Defendants are in violation of

the Illinois Health Care Right of Conscience Act (“IHRCA”). A true and correct copy of the Complaint is attached hereto as **Exhibit 1**.

3. On or around October 29, 2021, Plaintiffs filed an Amended Complaint for Declaratory and Injunctive Relief (“FAC”), removing Carmen Wymore as a named plaintiff and adding 55 other Riverside employees as named plaintiffs to this action. In the FAC, Plaintiffs still asserted only a single claim under the IHRCA. A true and correct copy of the FAC is attached hereto as **Exhibit 2**.

4. On or around November 24, 2021, Plaintiffs filed a Second Amended Complaint (“SAC”). In addition to adding 10 former Riverside employees and interns as named plaintiffs to this action, Plaintiffs also assert, for the first time, a claim arising under federal law, specifically Title VII of the Civil Rights Act of 1964 (“Title VII”). A true and correct copy of the SAC is attached hereto as **Exhibit 3**.

5. True and correct copies of all other process, pleadings, orders, and other papers or exhibits filed or received by Defendants in this action to date are attached hereto as **Exhibit 4**.

6. All Defendants join in and consent to this Removal.

7. This action arises from Plaintiffs’ purported claims under Title VII alleging discrimination on the basis of their religious beliefs and failure to provide reasonable accommodation for their religious beliefs. *See* Exh. 3 (SAC), ¶¶ 112–17. Plaintiffs also purport to state a claim under state law for violation of the IHRCA. *See id.* at ¶¶ 106–09. With the filing of the SAC, this civil action became removable under 28 U.S.C. § 1331 because Plaintiffs’ new claims under Title VII confer original jurisdiction on this Court.

8. On November 24, 2021, Defendants received a copy of the SAC which Plaintiffs had just filed with the State Court. Exh. 3. This was the first time Defendants received a copy of

a complaint or amended complaint filed by Plaintiffs asserting a claim arising under Title VII or any other federal law. Therefore, the Notice of Removal is timely, as it has been filed with this Court within thirty (30) days of receipt by Defendants “of a copy of an amended pleading . . . from which it may first be ascertained that the case is one which is or has become removal.” 28 U.S.C. § 1446 (b)(3).

9. Defendants have not served an answer or responsive pleading in response to the SAC or filed any such answer or responsive pleading with the State Court.

10. The United States District Court for the Central District of Illinois is the proper venue for removal under 28 U.S.C. § 1441(a) because the State Court is located within this District and Plaintiffs’ action in State Court is pending within this District. *See* 28 U.S.C. § 1441(a).

## **II. PROCEDURAL HISTORY**

11. Shortly after this action was commenced in State Court, Plaintiffs filed a Motion for Temporary Restraining Order and Preliminary Injunction on or around October 19, 2021.

12. On October 25, 2021, the State Court held an emergency hearing on Plaintiffs’ Motion for Temporary Restraining Order and subsequently entered an Order temporarily restraining Defendants from taking adverse employment actions against Plaintiffs (the “TRO”) until the Court holds a hearing and rules on Plaintiffs’ request for a preliminary injunction. A true and correct copy of the State Court’s October 25, 2021 Order is attached hereto as **Exhibit 5**.

13. After the State Court entered the TRO, Plaintiffs filed the FAC on or around October 29, 2021 and asked the Court to amend the TRO to cover the newly added plaintiffs. On November 1, 2021, the State Court entered an Order extending the TRO to most of the newly added plaintiffs. A true and correct copy of the State Court’s November 1, 2021 Order is attached hereto as **Exhibit 6**.

14. On November 10, 2021, Defendants filed an Emergency Motion to Dissolve Temporary Restraining Order Or, in the Alternative, to Set Bond (“Motion to Dissolve TRO”).

15. On November 19, 2021, the State Court entered an order stating that the Parties “agree[d] that the TRO currently in place shall expire on December 5, 2021” and that “Plaintiffs are granted leave to amend their complaint.” A true and correct copy of the State Court’s November 19, 2021 Order is attached hereto as **Exhibit 7**.

16. On November 24, 2021, Plaintiffs filed the SAC, asserting claims under Title VII. *See* Exh. 3.

17. Because there is federal question jurisdiction pursuant to 28 U.S.C. §1331, Defendants are entitled to removal of this matter from State Court to Federal Court pursuant to 28 U.S.C. § 1441.

18. This Court has supplemental jurisdiction over Plaintiffs’ state law claims pursuant to 28 U.S.C. § 1367, as those claims are so related to Plaintiffs’ federal law claims as to form part of the same case or controversy.

19. Defendants shall give written notice to Plaintiffs and to the Clerk of the State Court pursuant to 28 U.S.C. § 1446(d). A copy of the removal notice to be filed with the Clerk of the State Court is attached hereto as **Exhibit 8**.

### **III. PRESERVATION OF DENIALS AND DEFENSES**

20. By filing this Notice of Removal, Defendants do not waive any jurisdictional or other defenses that might be available to them. In addition, Defendants expressly reserve the right to move for dismissal of some or all of Plaintiffs’ claims pursuant to Rule 12 of the Federal Rules of Civil Procedure. Defendants reserve the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendants Riverside Healthcare and Phillip M. Kambic request that the above-entitled action be removed from the Circuit Court of Kankakee County, Illinois to the United States District Court for the Central District of Illinois.

Date: November 29, 2021

Respectfully submitted,

/s/ Michael R. Phillips  
One of Defendants' Attorneys

Michael R. Phillips  
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Joel H. Spitz  
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McGuireWoods LLP  
77 West Wacker Drive, 41st Floor  
Chicago, IL 60601  
T: (312) 849-8100  
F: (312) 849-3690

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 29, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and served the foregoing via electronic mail and U.S. Mail, postage prepaid, upon the following:

Jeffrey M. Schwab  
Daniel R. Suhr  
Liberty Justice Center  
141 West Jackson Blvd., Suite 1065  
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Phone: (312) 637-2280  
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*Attorneys for Plaintiffs*

*/s/ Michael R. Phillips* \_\_\_\_\_