

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

ANNE RICH; MARLICE ALVES; ALDA BONIN; :
ANGELA PONTIKES; ARIELLE HOCHBERGER WEBB: :
CAROLINE GIBBS; CHERYL BENJAMIN; :
COLLEEN MOTTA TULLIE; JOHN W. TULLIE; :
DANIELLI VIVEIROS; DESIREE DESVERGNES; :
SARAH MELO; CHRISTINE GOSSELIN; SONYA :
PESCATELLO; TYLER BONIN; TRACY LABERGE; :
LORI SAGAR; KRISTEN O'MARA; KRISTY :
CORRIGAN; KAREN LEE JOHNSON; KATE :
MELLACE; KELLY BAKER; JAMIE MANFREDI; :
JESSICA LEBLANC; LISA DAVIS; :
KRYSTYNA CHESTER; MAUREEN KERN; :
MELANIE KOOP; MELODY RICE; MONICA BROWN; :
PAUL CHOQUETTE; RACHAEL ALBANESE; ROBBI :
FERRETTI; SARAH SALISBURY; NIYOKA POWELL :
DONNA CARON; and DOROTHY E. MINDA :
Plaintiffs :

vs. :

C.A. No. PC2024-

CARE NEW ENGLAND and CARE NEW ENGLAND :
HEALTH SYSTEM :
Defendant :

COMPLAINT

PARTIES

1. Plaintiff, Anne Rich, is a resident of the City of Cranston, Rhode Island. She is a 63 year old licensed Registered Nurse in the State of Rhode Island. She was employed by Women & Infants Hospital for 24 and 1/2 years as a Registered Nurse until her termination from employment on November 7, 2021, for failing to obtain the COVID-19 vaccine.
2. Plaintiff, Marlice Alves, is a resident of the City of Warwick, Rhode Island. She is a 65yr old Registered Nurse licensed to practice in the State of Rhode Island. She was employed by Women & Infants Hospital as a Registered Nurse in the Neonatal Intensive Care Unit (NICU) for 24 years before being forced into early retirement in June of 1, 2022, as a result of the COVID-19 vaccine mandate imposed by her employer.
3. Plaintiff, Alda Bonin, is a resident of the City of East Providence, Rhode Island. She was employed in environmental services at Women & Infants Hospital for 12yrs before she was terminated on October 1, 2021, for being unvaccinated against COVID-19.

4. Plaintiff, Angela Pontikes, is a resident of the City of Cranston, Rhode Island. She is a 59 year old Registered Nurse licensed to practice in the State of Rhode Island. She was employed by Women & Infants Hospital as a Registered Nurse for 34 years. On October 1, 2021, she was forced into early retirement under threat of termination from her employment for her failure to receive the COVID-19 vaccine.
5. Plaintiff, Arielle Hochberger Webb, is a resident of the City of East Providence, Rhode Island. She was employed by Butler Hospital for 8 years as a CNA until she was fired on August 18, 2022, for failing to take the COVID-19 vaccine.
6. Plaintiff, Caroline Gibbs, is a resident of the Town of North Kingstown, Rhode Island. She is a 59 year old Registered Nurse who worked at Women and Infants Hospital for 35 years until she was fired on October 1, 2021, for her failure to take the COVID-19 vaccine.
7. Plaintiff, Cheryl Benjamin, is a resident of the City of Cranston, Rhode Island. She is 65 year old who was employed as a phlebotomist by Women and Infants Hospital for 32 years until she was forced into early retirement on January 31, 2022, under threat of termination from her employment for her failure to receive the COVID-19 vaccine.
8. Plaintiff, Colleen Motta Tullie is resident of the Town of West Warwick, Rhode Island. She is a 61 year old Registered Nurse who worked at Women and Infants Hospital for 41 years until on October 1, 2021, she was forced into early retirement under threat of termination from her employment for her failure to receive the COVID-19 vaccine.
9. Plaintiff, John W. Tullie is resident of the Town of West Warwick, Rhode Island. He was employed as a maintenance mechanic at Women and Infants Hospital for 30 years until he was terminated from employment on October 16, 2021, for his failure to receive the COVID-19 vaccine.
10. Plaintiff, Danielli Viveiros is resident of the Town of Johnston, Rhode Island. She is a 44 year old Registered Nurse who worked at Women and Infants Hospital for 8 years until she was fired on October 1, 2021, for her failure to take the COVID-19 vaccine.
11. Plaintiff, Desiree DesVergnes is resident of the Town of Richmond, Rhode Island. She is 45 year old who was employed as a RN IBCLC lactation consultant by Women and Infants Hospital for 18 years until she was fired on April 20, 2022, for her failure to take the COVID-19 vaccine.
12. Plaintiff, Sarah Melo is a resident of Spearfish, South Dakota. She is a 39 year old Registered Nurse who worked at Women & Infants Hospital for 15 years, including 10 years as a nurse, until she was fired on February 1, 2022, for her failure to take the COVID-19 vaccine.

13. Plaintiff, Christine Gosselin is a resident of the Town of West Warwick, Rhode Island. She is a Registered Nurse and was employed by Kent County Hospital VNA, until her termination from employment on October 1, 2021, for her failure to take the COVID-19 vaccine.
14. Plaintiff, Sonya Pescatello is a resident of the City of Warwick, Rhode Island. She is a 44 year old Radiological Technologist who was employed by Women & Infants Hospital for 10 years until she was fired on October 16, 2021, for her failure to take the COVID-19 vaccine.
15. Plaintiff, Tyler Bonin is a resident of the City of East Providence, Rhode Island. He was employed as a Respiratory Therapist Assistant at Women & Infants Hospital for 10 ½ years prior to being terminated on October 1, 2021, for failure to get the COVID-19 vaccine.
16. Plaintiff, Tracy LaBerge is a resident of Town of Cumberland, Rhode Island. She is a 49 year old Sonographer/Xray Technologist who was employed by Women & Infants Hospital for 6 and ½ years until she was fired on October 15, 2021, for her failure to take the COVID-19 vaccine.
17. Plaintiff, Lori Sagar, a resident of the Town of Glocester, Rhode Island. She is a 61yr old mammographer licensed to practice in the State of Rhode Island until she was terminated on October 16, 2021, for not taking the COVID-19 vaccine.
18. Plaintiff, Kristen O'Mara is a resident of the Town of Little Compton, Rhode Island. She is a 49yr old Registered Nurse licensed to practice in the State of Rhode Island. She was employed by Women & Infants Hospital as a Registered Nurse in the Neonatal Intensive Care Unit (NICU) for 19 years. She was out on medical leave until October 22, 2021, at which time she was told she was required to receive the COVID-19 vaccine to return to work. After being refused a religious accommodation, on November 2, 2021, she submitted her letter of resignation.
19. Plaintiff, Kristy Corrigan Brown, is a resident of the City of Warwick, Rhode Island. She is a 40yr old Certified Nursing Assistant. She was employed by Kent Hospital as a Certified Nursing Assistant for 15 years when she was terminated for being unvaccinated.
20. Plaintiff, Karen Lee Johnson is a resident of the Town of Smithfield, Rhode Island. She is a 59 year old Registered Nurse who worked at Women & Infants Hospital for nearly 20 years until she was fired on December 1, 2021, for her failure to take the COVID-19 vaccine.
21. Plaintiff, Kate Mellace is a resident of South Dartmouth, State of Massachusetts. She is a 42 year old Registered Nurse who worked at Women & Infants Hospital for 17 years until she was forced to resign under threat of termination on January 2, 2022, for her failure to take the COVID-19 vaccine.

22. Plaintiff, Kelly Baker is a resident of the Town of Glocester, Rhode Island. She is a 45-yr old Registered Nurse and Lactation Consultant licensed to practice in the State of Rhode Island. She was employed by Women & Infants Hospital as a Registered Nurse and International Board Certified Lactation Consultant for 18 years. She was officially terminated from employment on June 14, 2022. She had been on medical leave from September 9, 2021, until she cleared to return to work on April 25, 2022, however she was advised by her employer that she was prohibited from returning because she was not vaccinated against COVID-19.
23. Plaintiff, Jamie Manfredi is a resident of the Town of Johnston, Rhode Island. She is a 38 year old Registered Nurse who worked at Women & Infants Hospital for 19 years until she was fired on February 16, 2022, for her failure to take the COVID-19 vaccine.
24. Plaintiff, Jessica LeBlanc is a resident of the Town of Smithfield, Rhode Island. She is a 44 year old female that was employed by Care New England while working at Butler Hospital as a Nurse Practitioner. She worked for just about 4 years before being fired on October 14th, 2021, for her failure to take the COVID-19 vaccine.
25. Plaintiff, Lisa Davis a resident of the Town of Little Compton, Rhode Island. She is a 61 year old female who was employed by Women & Infants Hospital as a Registered Nurse NICU Float for 33 years. She was terminated on February 9, 2022, for her failure to take the COVID-19 vaccine.
26. Plaintiff, Krystyna Chester is a resident of the Town of Coventry. She is a 34yr old Registered Nurse licensed to practice in the State of Rhode Island. She was employed by Women & Infants Hospital as a Registered Nurse at the time she was terminated for failure to obtain the COVID-19 vaccine.
27. Plaintiff, Maureen Kern is a resident of the City of Longwood, Florida. She is 62 years old and was employed at Women & Infants Hospital/Care New England as a NICU Secretary for twelve years, November 2, 2009, until her termination October 16, 2021, for not receiving the mandated Covid19 vaccination.
28. Plaintiff, Melanie Koop, is a resident of the City of Warwick, Rhode Island. She is a 51yr old Registered Nurse licensed to practice in the State of Rhode Island. She worked at Women & Infants Hospital for 30 years, first as a teen in dietary, then a CNA and then a unit secretary on a post-partum and then medical surgery oncology unit while she went to nursing school. She finished school in 2010 and worked for 10 years on post-partum unit as a Registered Nurse before she was terminated on October 16, 2021, for failing to get the COVID-19 vaccine.
29. Plaintiff, Melody Rice is a resident of the Town of North Kingstown, Rhode Island. She is a 34 year old woman and was employed by Women & Infants Hospital as a Labor and

Delivery Registered Nurse for 11 years. She was terminated November 10, 2021, for failing to get the COVID-19 vaccine.

30. Plaintiff, Monica Brown is a resident of the City of East Providence, Rhode Island. She is a 58-year-old x-ray technician/mammographer licensed to practice in the State of Rhode Island. She was employed by Women & Infants Hospital as an x-ray technician/mammographer for 21 years and 9 months until she was terminated from employment on September 30, 2021, for not obtaining the COVID-19 vaccine against her religious beliefs.
31. Plaintiff, Paul Choquette is a resident of the City of Warwick, Rhode Island. He is a 59 yearr old Registered Nurse licensed to practice in the State of Rhode Island. He was employed by Butler Hospital as a Registered Nurse for 21 years prior to being terminated on June 13, 2022, for refusing to obtain the COVID-19 vaccine.
32. Plaintiff, Rachael Albanese is a resident of the Town of Glocester, Rhode Island. She is a 50 year old Registered Nurse licensed to practice in the State of Rhode Island. She was employed by Women & Infants Hospital as a Registered Nurse for 21 yrs and 6 months until she was terminated on December 6, 2021, for not taking the COVID-19 vaccine.
33. Plaintiff, Robbi Ferretti is a resident of the Town of Smithfield, Rhode Island. She is a 38 year old female. She was employed at Women & Infants Hospital as a sonogapher and her position did not require her to hold a license by the Department of Health. She worked there for ten years, and was terminated on October 16, 2021, due to the fact that she refused to get the Covid vaccine.
34. Plaintiff, Sarah Salisbury is a resident of the Town of North Smithfield, Rhode Island. She is 41 years old and was employed by Woman & Infants Hospital as an MRI Technologist/Mammographer/Radiographer. She worked for 12 years until she was terminated from employment on December 6, 2021, for her refusal to take the COVID-19 vaccine.
35. Plaintiff, Niyoka Powell is a resident of the City of Providence, Rhode Island. She is 38 years old and worked at Butler Hospital as a nurse in the alcohol drug intensive treatment unit. She was employed by Care New England for 12 years from 2009 until she was terminated on October 16, 2021, due to failure to get the COVID-19 vaccine.
36. Plaintiff, Donna Caron, is a 55yr old that resides in the City of Warwick, State of Rhode Island. She was employed as a Neonatal Intensive Care Unit Secretary at Women & Infants Hospital for 12 years until she was terminated by WIH on November 3, 2021, for failing to get the COVID-19 vaccine.
37. Plaintiff, Dorothy E. Minda is a resident of the Town of Coventry, Rhode Island. She is 62 years old and was employed as a Registered Nurse recovery room nurse at Kent

County Hospital, for over 33 years until she was terminated from employment on October 1, 2021, for failing to obtain the COVID-19 vaccine.

38. Defendant Care New England and Care New England Health System (“Care New England”), by and through its locations of Women & Infants Hospital, Kent County Hospital, and Butler Hospital, is a Rhode Island not-for-profit corporation, licensed to do business in the State of Rhode Island, with its principal place of business located at 4 Richmond Square, Providence, Rhode Island 02906.

FACTS

39. In or about August of 2021, the Rhode Island Department of Health enacted an Emergency Regulation (“Regulation”) entitled: “REQUIREMENT FOR IMMUNIZATION AGAINST COVID-19 FOR ALL WORKERS IN LICENSED HEALTH CARE FACILITIES AND OTHER PRACTICING HEALTH CARE PROVIDERS.” The Regulation took effect on October 1, 2021.
40. Nothing in the regulation requires employers of health care workers to terminate unvaccinated employees on or after October 1, 2021.
41. Nothing in the Regulation prohibits employers of health care workers from granting accommodations to employees on the basis of their religious beliefs.
42. On or about March 15, 2022, the Regulation was terminated, and there currently exists no State of Rhode Island requirement that health care providers be vaccinated against COVID-19.
43. In fact, a cost benefit analysis conducted by RIDOH in February of 2022 found that there was no basis to mandate a COVID-19 vaccine for health care workers, and in fact over 1,000 unvaccinated health care workers were permitted to continue to work during the effect dates of the emergency regulation, without any penalty.
44. In and around August of 2021, Defendant Care New England announced that because of the upcoming Regulation, it was requiring all of its employees to get the COVID-19 vaccine.
45. Each of Plaintiffs has a sincerely held religious belief against taking the COVID-19 vaccine as the reason for their denial to take the COVID-19 vaccine, or had a disability as defined by the Americans with Disabilities Act which prevented them from taking the COVID-19 vaccine.
46. Each Plaintiff sought an accommodation from Defendant Care New England to maintain their employment during the term of the Regulation.

47. Plaintiffs were told that they were required to get the COVID-19 vaccine to maintain their employment. Defendant Care New England refused any accommodation for Plaintiffs.
48. Defendant Care New England refused to engage in an interactive process with Plaintiffs regarding their religious or disability exemption requests and otherwise failed to provide them with a reasonable accommodation to their religious beliefs or disabling condition.

COUNT I
VIOLATION OF THE RHODE ISLAND CIVIL RIGHTS ACT (RICRA)
R.I. GEN. LAWS § 42-112-1

49. Plaintiffs repeat and incorporate by reference all of the allegations contained in the complaint.
50. Defendant Care New England notified Plaintiffs that they were required to get a COVID-19 vaccine by October 1, 2021, because this was mandated by the RI Department of Health.
51. Plaintiffs notified Defendant Care New England that they had a sincerely held religious belief which prevented them from taking the COVID-19 vaccine.
52. Certain plaintiffs also had a disabling condition which prevented them from taking the COVID-19 vaccine.
53. Defendant Care New England refused to engage in an interactive process with Plaintiffs regarding their religious or disability exemption requests and otherwise failed to provide them with a reasonable accommodation to their religious belief or their disability.
54. At all times Plaintiffs maintained an excellent work history and the reason for their termination was their employer's discrimination against them on the basis of their religion and/or disability status.
55. As a result of such unlawful actions, Plaintiffs have lost pay, and otherwise suffered adverse employment conditions.

WHEREFORE, Plaintiffs demand judgment against Defendant Care New England, including reinstatement to their position, with back pay and benefits, and compensatory and punitive damages. Plaintiffs also request attorney's fees and costs, and such other relief as this Court deems meet and just.

Plaintiffs,
By their Attorneys,

/s/Gregory P. Piccirilli, Esquire #4582
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