

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

RHONDA COLERICK; ALYSSA REIS; :
DARLENE KOHLER; DENISE REZENDES; :
DOMINGAS RAMOS MOREIRA; JENNIFER :
DONNELLY; JENNA ANDRADE; JENNA L :
BEEBY; JENNIFER MAGNANT; JENNIFER :
PLAKIAS; JOANNE WINGERT; JOSEPH :
SOUSA; KAREN SOPER; KATEY LAPLANTE :
KELSEY T CABRAL; KERRIE ESCOBAR; :
KIMBERLEE THEROUX; MADELINE; :
CARAVELLI; MARY PREFONTAINE; :
MIKHAIL MARYANOV; OLIVIA MALONEY :
SHERRI PELOSO; STACEY CAPIZZANO :
SUSAN SWAIN; TERESA PETERS; TRACY :
PFLASTER; RAE-ANN LAWRENCE; :
CHRISTINE MURRAY; LISA PARRILLO; :
SUSAN VETRI; DONNA CARON and :
SONYA PESCATELLO :

Plaintiffs :

vs. :

C.A. No. PC2024-

LIFESPAN CORPORATION :

Defendant :

COMPLAINT

PARTIES

1. Plaintiff, Rhonda Colerick, is a resident of Pittsburg, New Hampshire. She is a 53yr old Registered Nurse licensed to practice in the State of Rhode Island. She was employed by Rhode Island Hospital as a Registered Nurse for 13 years prior to being terminated on October 1, 2021, for not obtaining the COVID-19 vaccine.
2. Plaintiff, Alyssa Reis is a resident of the Town of Cumberland, Rhode Island. She was employed as a department assistant for Laboratory Outreach at Lifespan for 11 years. She was terminated on October 1, 2021, for not obtaining the COVID-19 vaccine.
3. Plaintiff, Darlene Kohler is a resident of the Town of Jamestown, Rhode Island. She is a 63 year old Medical Laboratory Technician and was employed in the Main Laboratory (Hematology Department) at the Miriam Hospital until she was terminated on October 1, 2021, for not obtaining the COVID-19 vaccine.

4. Plaintiff, Denise Rezendes is a resident of Sarasota, Florida. She is a 53yr old Registered Nurse licensed to practice in the State of Rhode Island. She was employed as a Registered Nurse in the Emergency Room at Rhode Island Hospital for 16 years prior to being terminated on October 1, 2021, for not getting the COVID-19 vaccine.
5. Plaintiff, Domingas Ramos Moreira is a resident of Seekonk, Massachusetts. She is 61 years old Certified Nursing Assistant and was employed by Lifespan at the Mirriam Hospital) as a CNA (ER Tech) for 16 years until she was terminated on October 1, 2021, for not obtaining the COVID-19 vaccine.
6. Plaintiff, Jennifer Donnelly is a resident of the Town of North Kingstown, Rhode Island. She was employed by Lifespan as a Registered Nurse for over three years until she was terminated on October 1, 2021, for not getting the COVID-19 vaccine.
7. Plaintiff, Jenna Andrade is a resident of Fairhaven, Massachusetts. She is a 32yr old Medical Lab Technician certified to practice in the State of Rhode Island. She was employed by Miriam Hospital in the Main Laboratory (hematology & biochemistry departments) for just under two years until her request for a religious exemption was denied and she was terminated on October 1, 2021.
8. Plaintiff, Jenna L Beeby is a resident of West Greenwich, Rhode Island. She is 44 years old and was employed as Diagnostic Imaging Assistant -Front Desk and Cat Scan Tech Aide at Newport Hospital for 9 years until she was terminated on October 1, 2021, for not getting the COVID-19 vaccine.
9. Plaintiff, Jennifer Magnant is resident of the Town of Smithfield, Rhode Island. She was employed as a Radiology X-Ray Technician for 20 years at RI Hospital and Hasbro Childrens' Hospital until she was terminated on October 1, 2021, for failing to take the COVID-19 vaccine.
10. Plaintiff, Jennifer Plakias is a resident of the Town of Johnston, Rhode Island. She has been a Registered Nurse for 15 years. She began her career in 2008 working for Lifespan at The Miriam Hospital and in 2014 she transferred to Rhode Island Hospital Emergency Room where she worked until she was fired in January 2022 for not getting the COVID-19 vaccine.
11. Plaintiff, Joanne Wingert is a resident of the Town of Middletown, Rhode Island. She is 62 years old and was employed for over 39 years at Newport Hospital as a Registered Nurse on Behavior Health Unit. She was a charge nurse for adult psychiatric patients until termination on October 1, 2021, for not getting the COVID-19 vaccine.

12. Plaintiff, Joseph Sousa is a resident of Swansea, Massachusetts. He is 37 years old and worked as an inventory specialist, at Rhode Island Hospital until he was terminated from employment on October 20, 2021, for not getting the COVID-19 vaccine.
13. Plaintiff, Karen Soper is a resident of the Town of Coventry, Rhode Island. She was employed at Miriam Hospital as a Medical Technologist until she was terminated from employment on September 30, 2021, for not getting the COVID-19 vaccine.
14. Plaintiff, Katey LaPlante is a resident of the Town of West Warwick, Rhode Island. She was employed as a Registered Nurse at RI Hospital for 23 years, working 20 of them in the Emergency Department. She was forced to resign from a career she loved and was nowhere ready to leave, prior to being fired by October 1st deadline for noncompliance of the covid vaccine mandate.
15. Plaintiff, Kelsey T Cabral is a resident of Pawtucket, Rhode Island. She is a 36yr old and was employed as a Transport Aid at Rhode Island Hospital for approximately 10 years prior to being terminated for failing to obtain the COVID-19 vaccine.
16. Plaintiff, Kerrie Escobar is a resident of the Town of Portsmouth, Rhode Island. She was employed as a Registered Nurse in the Behavioral Health Unit at Newport Hospital since 2002. She was terminated from employment on October 1, 2021, for not getting the COVID-19 vaccine.
17. Plaintiff, Kimberlee Theroux, is a resident of the Town of Killington, Connecticut. She is a 56 year old licensed Registered Nurse in the State of Rhode Island. She was employed by Rhode Island Hospital as a Staff Registered Nurse-per diem for 3 years until her termination from employment on October 1, 2021, for failing to obtain the COVID-19 vaccine.
18. Plaintiff, Madeline Caravelli is a resident of the City of Warwick, Rhode Island. She was a 26yr old Registered Nurse licensed to practice in the State of Rhode Island. She was employed as a Registered Nurse in the Medical Surgical Telemetry Unit at the Miriam Hospital for 7 months before she was terminated on October 1, 2021, for not receiving the COVID-19 vaccine.
19. Plaintiff, Mary Prefontaine is a resident of the Town of East Greenwich, Rhode Island. She is 53 years old as was employed by RI Hospital as floor nurse until her termination from employment on October 1, 2021, for failing to obtain the COVID-19 vaccine.

20. Plaintiff, Mikhail Maryanov is a resident of the Town of Cumberland, Rhode Island. He is 32 years old and was employed as a Registered Nurse at RI Hospital for four years until he was terminated from employment on October 1, 2021, for refusing to take the COVID-19 vaccine.
21. Plaintiff, Olivia Maloney is a resident of the City of Cranston, Rhode Island. She is a 25yr old Registered Nurse licensed to practice in the State of Rhode Island. She was employed as a Registered Nurse at Rhode Island Hospital for approximately 7-8 months when she was terminated on October 1, 2021, for failing to obtain the COVID-19 vaccine.
22. Plaintiff, Sherri Peloso, is a resident of the City of Warwick, Rhode Island. She is 39 years old and was employed as an Administrative Coordinator by Lifespan/Hasbro Specialty Clinic EG for 18 months until her termination from employment on October 1, 2021, for failing to obtain the COVID-19 vaccine.
23. Plaintiff, Stacey Capizzano is a resident of the City of Providence, Rhode Island. She is 51 years old and was employed by Miriam Hospital under her previous name Stacey Belanger. She was employed for 24 years as a Registered Nurse, until she was terminated from employment on October 1, 2021, for failing to obtain the COVID-19 vaccine.
24. Plaintiff, Susan Swain is a resident of the Town of Jamestown, Rhode Island. She was employed by Newport Hospital as a Registered Nurse in Adult Inpatient Psychiatry. She was employed for 8 years until she was terminated from employment on October 1, 2021, for failing to obtain the COVID-19 vaccine.
25. Plaintiff, Teresa Peters is a resident of the City of Providence, Rhode Island. She is 57 years old and was employed as a Registered Nurse in the emergency department at Rhode Island Hospital for twenty years, until she was terminated from employment on May 22, 2022, for failing to obtain the COVID-19 vaccine.
26. Plaintiff, Tracy Pflaster is a resident of the Town of North Providence, Rhode Island. She was employed as a X-Ray Technician at RI Hospital for 13 years until she was terminated from her employment on October 1, 2021, for failng to take the COVID-19 vaccine.
27. Plaintiff, Rae-Ann Lawrence is a resident of the Town of Bristol, Rhode Island. She is 41 years old and was employed as a Interventional Radiologic Technologist at Newport Hospital for over 17 years, until she was terminated from employment on October 1, 2021, for failing to obtain the COVID-19 vaccine.

28. Plaintiff, Christine Murray is a resident of Felton, Delaware. She worked as a float pool Registered Nurse for Lifespan 13 years, until she was terminated from employment on December 13, 2021, for her failure to take the COVID-19 vaccine.
29. Plaintiff, Lisa Parrillo is a resident of the Town of Smithfield, Rhode Island. She is 57 years old and was employed as a Lab Clerk at the Miriam Hospital for 21 years, until she was terminated from employment on October 1, 2021, for failing to obtain the COVID-19 vaccine.
30. Plaintiff, Susan Vetri is a resident of the Town of North Providence. She was employed by the Miriam Hospital as a Respiratory Therapist for 30 years, until she involuntarily retired under threat of termination from employment on October 1, 2021, for failing to obtain the COVID-19 vaccine.
31. Plaintiff, Donna Caron, is a 55yr old that resides in the City of Warwick, State of Rhode Island. She was employed as a Secretary at RI Hospital for 12 years until she was terminated by WIH on October 1, 2021, for failing to get the COVID-19 vaccine.
32. 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 RI Hospital for 20 years until she was fired on October 5, 2021, for her failure to take the COVID-19 vaccine.
33. Defendant, Defendant Lifespan Corporation (“Lifespan”) is a non-profit corporation organized under the laws of the State of Rhode Island and whose principal place of business is located at 167 Point Street, Providence, Rhode Island 02903. Lifespan operates by and through its locations of Rhode Island Hospital, Newport Hospital, and the Miriam Hospital. Rhode Island Hospital is a 719-bed not-for-profit, acute care hospital and academic medical center located at 593 Eddy Street Providence, Rhode Island. Newport Hospital is a 129-bed not-for-profit hospital located located at 20 Powel Avenue in Newport Rhode Island. The Miriam Hospital is a 247-bed not-for-profit hospital located at 164 Summit Avenue Providence, Rhode Island.

FACTS:

34. 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.
35. Nothing in the regulation requires employers of health care workers to terminate unvaccinated employees on or after October 1, 2021.
36. Nothing in the Regulation prohibits employers of health care workers from granting accommodations to employees on the basis of their religious beliefs.

37. 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.
38. 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.
39. In and around August of 2021, Defendant Lifespan announced that because of the upcoming Regulation, it was requiring all of its employees to get the COVID-19 vaccine.
40. Each of the 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.
41. Each Plaintiff sought an accommodation from Defendant Lifespan to maintain their employment during the term of the Regulation.
42. Plaintiffs were told that they were required to get the COVID-19 vaccine to maintain their employment. Defendant Lifespan refused any accommodation for Plaintiffs.
43. Defendant Lifespan 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

44. Plaintiffs repeat and incorporate by reference all of the allegations contained in the complaint.
45. Defendant Lifespan 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.
46. Plaintiffs notified Defendant Lifespan that they had a sincerely held religious belief which prevented them from taking the COVID-19 vaccine.
47. Certain plaintiffs also had a disabling condition which prevented them from taking the COVID-19 vaccine.

48. Defendant Lifespan refused to engage in an interactive process with Plaintiffs regarding their religious or disability exemption request and otherwise failed to provide them with a reasonable accommodation to their religious belief or their disability.
49. 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.
50. As a result of such unlawful actions, Plaintiffs have lost pay, and otherwise suffered adverse employment conditions.

WHEREFORE, Plaintiffs demand judgment against Defendant Lifespan, 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,

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