

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

Kaycee McCoy)
Amherst, Virginia)

An individual,)

Plaintiff,)

v.)

Rector and Visitors of the)
University of Virginia)
Charlottesville, Virginia)

and)

University of Virginia Health System)
Charlottesville, Virginia)

Serve:)

Attorney General Mark Herring)
202 North Ninth Street)
Richmond, VA 23219)

Defendants.)

CASE No: CL21-544

FILED
11/10/21 @ 4:20 pm
(Date & Time)

City of Charlottesville
Circuit Court Clerk's Office
Llezele A. Dugger, Clerk

By [Signature]
Deputy Clerk

**VERIFIED COMPLAINT FOR
DECLARATORY JUDGMENT, INJUNCTIVE RELIEF**

COMES NOW Plaintiff Kaycee McCoy (hereinafter "McCoy" or "plaintiff"), by counsel, and moves this Court for: (1) declaratory relief in the form of a finding that Defendants Rector and Board of Visitors of the University of Virginia and the University of Virginia Health System (hereinafter "University" or "Defendants") refusal to honor Plaintiff's Religious Exemption from the COVID-19 Vaccine violates Article I, Section 16 of the Constitution of Virginia; (2) issuance

Virginia, a resident of Amherst, Virginia, and an employee of University of Virginia Health System, who applied for a religious exemption under the University's vaccination policy and the University denied Plaintiff's application.

4. Defendant Rector and Board of Visitors of the University of Virginia govern the University of Virginia, which is a public institution of higher education as defined in Virginia Code section 23.1-100. Defendant University Health Systems is a component of the University.

JURISDICTION AND VENUE

5. Jurisdiction is proper pursuant to section 8.01-328.1(A)(1) of the Virginia Code because the University is transacting business in the Commonwealth, and pursuant to section 8.01-328.1(A)(3) of the Virginia Code because the University is causing tortious injury by its acts and omissions within the Commonwealth.

6. Venue is appropriate in this Court pursuant to section 8.01-261(15)(c) because the Plaintiff is seeking injunctive relief against the acts of the University which acts take place within this jurisdiction.

FACTUAL BACKGROUND

7. Plaintiff Kaycee McCoy is employed by the University of Virginia Health Systems, and was so employed at the time that the University adopted its COVID-19 vaccination policy. Plaintiff has worked for defendants since 2011.

8. The University imposed a mandate that all employees of Virginia Health Systems receive the injection described as a COVID-19 vaccine.

9. In a news release dated August 25, 2021, Defendants stated, "UVA Health will consider requests for exemptions to the vaccine policy for medical and religious reasons and

continues to work to answer any questions team members may have about the vaccines.” *See* Swensen, Eric, “UVA Health to Require COVID-19 Vaccination for Employees, Effective Nov. 1.”

10. Defendants directed all employees wishing to file an exemption to do so by September 13, 2021.

11. University employees who seek religious exemptions must apply online on the University’s “VaxTrax” system.

11. On September 12, 2021, Plaintiff timely filed her request for religious exemption with the University. A true and correct copy of Plaintiff’s application is attached hereto as Exhibit A.

12. Plaintiff also submitted a letter from the Rev, Nancy C. Johnson, the pastor of her church, Emmanuel United Methodist Church in Amherst, Virginia, attesting to the sincerity of Plaintiff’s beliefs. A copy of Johnson’s letter is attached hereto as Exhibit B.

13. On September 30, 2021, Plaintiff received an email from Defendants refusing her initial request for religious exemption. A copy of the refusal email is attached hereto as Exhibit C.

14. On October 4, 2021, Plaintiff sent an email asking why her exemption was denied, and requesting to submit additional supporting evidence for her exemption claim. A copy of Plaintiff’s email is attached hereto as Exhibit D. Defendants never responded with a justification for its denial.

15. From that point on, Plaintiff’s status on Defendants’ VaxTrax system registered as “pending.”

16. On October 14, 2021, Plaintiff received an email from Defendants stating that all decisions of the “vaccine religious exemption committee” were final, and that no appeal process would be allowed. The email stated that after November 1, 2021, any employees not in “compliance” would be subject to adverse employment action, including termination. A copy of that email is attached hereto as Exhibit E.

17. Plaintiff was on vacation during the first week of November 2021.

18. On November 9, 2021, Plaintiff came in to work as usual. She was told to report to the office of a supervisor for a meeting at 1:00 p.m.

19. At the meeting, Plaintiff was told that her religious exemption request had been denied, that she was suspended effective immediately, and that she would be terminated in five days.

20. After being suspended and notified that she would be terminated, at 3:30 p.m. on November 9, 2021, Plaintiff finally received an email from Defendants’ VaxTrax system stating that her religious exemption request had in fact been denied. A copy of the denial email is attached hereto as Exhibit F.

21. Defendants have refused to provide Plaintiff any reason as to why her request was denied, what hardship her exemption would impose upon Defendants, or why Defendants claimed that no reasonable accommodation could be made for Plaintiff’s religious beliefs.

22. The University’s vaccination mandate is set forth on its website. The mandate entitled “UVA Health to require COVID-19 Vaccination for Team Members Effective Nov. 1,” reads as follows:

At UVA Health, we ... will now require all team members without

