COVID-19 Related Workplace Litigation Tracker
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The Barnes & Thornburg Wage and Hour Practice Group continues to monitor workplace litigation arising out of the COVID-19 pandemic. We are watching COVID-related workplace litigation in courts across the country, alleging violations of a wide variety of state and federal employment laws and regulations, and we are analyzing trends in the cases filed to hopefully help business prepare for potential pitfalls. We hope you find the catalog of cases helpful, and will continue to provide weekly updates as new cases are filed.

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Breach of Contract

December 30, 2020

_Schnorrenberg et al. v. The Ohio Soybean Council_ (Franklin County, Ohio)

The plaintiff, a chemist, alleges that the defendant breached his purported employment agreement before its one-year term was complete. The plaintiff alleges that “as a condition of his employment,” he had to form an LLC and be treated as an independent contractor of the LLC. The plaintiff alleges that he was accused of putting the defendant’s business at risk by taking a COVID-19 test through Ohio Wesleyan University, where the lab the plaintiff worked at was located. The plaintiff states that he took the COVID-19 test as a precautionary measure. The plaintiff claims that the defendant “berated him for having taken a COVID-19 test” at the campus where he was a chemist because it would “take away [the Defendant’s] ability to control the response,” and told him not to get another COVID-19 test through Ohio Wesleyan University. In a subsequent meeting, the plaintiff alleges that it was reiterated to him that he had “put the business at risk” and that he was called ‘narcissistic and idiotic’ for having taken the COVID-19 test.” The plaintiff alleges that his employment was terminated over email, referencing the defendant’s discussion with the plaintiff from the previous week. The plaintiff seeks declaratory judgment classifying him as an employee, and alleges breach of contract. Additionally, he alleges that he was wrongfully discharged in violation of Ohio public policy, claiming that “[t]he State of Ohio has a clear public policy regarding the right to determine whether one is infected with COVID-19 by taking a proper test to protect one’s co-workers . . . .” The plaintiff seeks to recover lost pay, compensatory and punitive damages, and attorneys’ fees and costs for his breach of contract and wrongful discharge claims.

December 16, 2020

_Alosi v. The University of Connecticut_ (Tolland County, Connecticut)

The plaintiff was the director of strength and conditioning for the University of Connecticut men’s basketball program. He alleges that between February and June, his relationship with the university followed a consistent general pattern. The head basketball coach would make a demand of him related to strength and conditioning; he realized that the demand potentially ran afoul of COVID-19-related health and safety protocols; he communicated those concerns; the head coach disparaged him, refused to speak with him, and took other actions to demean and humiliate him; the head coach reengaged with him after other staff
members intervened and the plaintiff made certain displays of loyalty; the plaintiff placated the coach and completed demeaning displays of loyalty; then he and the head coach proceeded with their respective duties until another dispute arose over potential breaches of health and safety protocols. For example, the plaintiff claims that in June, he grew concerned about the training plan provided by the head coach, as it did not comply with COVID-19 protocols established by the National Strength and Conditioning Association, the Collegiate Strength and Conditioning Coaches Association, or the university’s own guidelines for athletics training. He alleges that when he raised his concerns, the head coach claimed that the rules did not apply to the basketball team. He claims that he was given a letter on June 23 stating that the university was not renewing his contract, and that this violated the terms of the applicable collective bargaining agreement, which required 300 days’ notice of a decision not to renew multi-year contracts. He brings causes of action for breach of contract, failure to pay wages, breach of the covenant of good faith and fair dealing, free speech retaliation, and negligent misrepresentation.

Jacqueline Martin v. Adil Quraish DDS Waldorf PC (Charles County, Maryland)
The plaintiff, a dentist, filed a breach of contract complaint against her former employer alleging that she was wrongfully terminated in violation of her employment contract. The plaintiff alleges that in February 2020, she entered into a 12-month employment contract with the defendant, a dental company. On March 23, in response to the COVID-19 pandemic, the Maryland Department of Health (MDH) issued a directive that ordered dentists in Maryland to perform only “medical procedures that were critically necessary for the maintenance of health for a patient.” The plaintiff alleges that in May, the president of the defendant company held a meeting with the plaintiff to inform her that he had scheduled appointments for new patients for routine procedures, in contradiction of the directive issued by the MDH. The plaintiff alleges that the president of the defendant company also notified her that despite the COVID-19 pandemic, he would not be supplying her with any PPE for the procedures. On May 4, the plaintiff alleges that she called the president of the defendant company to express her concerns with providing routine procedures in violation of the MDH directive, especially without being supplied any PPE. The plaintiff alleges that after she expressed her concerns, the president of the defendant company informed her that she was terminated from her employment with the company. Based upon these allegations, the plaintiff claims that the defendant wrongfully discharged her, breaching her employment contract.

December 11, 2020
Davis v. YOH Services LLC et al. (Philadelphia County, Pennsylvania)
The plaintiff alleges that she and other employees were jointly employed by a staffing company and vaccine manufacturer, and were promised a 15 percent pay increase for their work during the COVID-19 pandemic. The plaintiff claims that she “and other technicians complained to management about Defendants’ failure to fulfill its promise.” The plaintiff alleges that she and other technicians received an email announcing that the defendants were “rewarding each of [the employees] an additional three (3) days of paid time off.” The plaintiff alleges that later, they received a follow-up email “confirming that [this time off is in lieu of hazard pay.]” The plaintiff brings a class action under the Pennsylvania
Wage Payment and Collection Law claiming the defendants breached their contractual obligations of promised hazard pay. On behalf of herself and the class, the plaintiff seeks the value of all hazard pay, liquidated damages, attorney’s fees, costs and prejudgment interest.

November 24, 2020
*Mullally v. RCS Logistics, Inc.* (Hudson County, New Jersey)
The plaintiff has brought suit against his former employer, a logistics company, for breach of his employment contract and breach of the covenant of good faith and fair dealing. The plaintiff alleges that, in 2017, he signed a five-year employment contract with the defendant. However, the plaintiff alleges that in March 2020, he was furloughed because of COVID-19 and that on August 6, the defendant informed him he was being terminated. The plaintiff alleges that because his furlough and termination were based on COVID-19, and not due to any action on his part, the termination was "without cause." Thus, the plaintiff alleges that he is entitled to the severance payment as set forth in his employment agreement, which the defendant has not paid. Based upon these facts, the plaintiff alleges that the defendant has breached his employment contract.

October 6, 2020
*Rhonda Sternberg v. Dermatology and Surgery of Southern Ohio Inc.* (Butler County, Ohio)
The plaintiff is a licensed registered nurse and medical aesthetician. She entered into an employment agreement with the defendant to provide spa and cosmetic services. At some point, the defendant told the plaintiff that it could not afford to pay the plaintiff her contractual salary due to the COVID-19 pandemic, and furloughed her. Further, the defendant informed the plaintiff that when she returned from furlough, it would only pay her a portion of her contractually agreed-upon salary. The plaintiff also alleges that the defendant never terminated the plaintiff's employment agreement in keeping with its terms, and the plaintiff thus brings a cause of action for breach of contract. Additionally, the plaintiff brings claims unrelated to COVID-19. First, the plaintiff alleges that she was underpaid on her incentive-based bonus income by at least $40,000, and brings a cause of action for unjust enrichment. Second, the plaintiff asserts sundry trademark claims because the defendant allegedly continues to use her common-law trademarked spa name without permission, and brings claims for trademark infringement, unfair trade practice, and conversion.

October 1, 2020
The plaintiff claims breach of contract and tortious interference, because the defendants did not allow her to return to work after she tested negative for COVID-19. The plaintiff alleges she was hired as a physical therapist in late February 2020 and that her contracted dates of employment were Feb. 28 to May 29, 2020. In mid-March, the plaintiff revealed to co-workers that her boyfriend from New York was to visit her. After her boyfriend’s arrival, the plaintiff was directed to quarantine herself for 24 hours, because her boyfriend came from a state known for its high number of COVID-19 cases. Thereafter, the plaintiff was directed to self-quarantine for two weeks. Within the two week period, the plaintiff had herself tested for COVID-19 and provided the negative test result to her employer, but was not allowed to return to work or to receive
compensation. Thereafter, the plaintiff’s employment ended because her assigned location could not guarantee that it would stay open. The plaintiff claims that her employment ended early in violation of her contract and that the defendants tortiously interfered with her contractual rights. The plaintiff claims lost pay, compensatory and punitive damages, attorney fees, and other relief.

September 23, 2020
Yahn v. Grynberg Petroleum Co. et al. (Denver County, Colorado)
The plaintiff was long-time associate general counsel of the defendant company, which was run for a long time by the individual defendant. The defendant company was the subject of litigation between the individual defendant and his family members for control of the company. The plaintiff was the liaison counsel in connection with a series of pieces of litigation that had been ongoing during the fight for control of the defendant company. The individual defendant agreed to indemnify the plaintiff during the course of the family litigation. When the individual defendant’s interests were placed into conservatorship, the conservator acted to repudiate the indemnification agreement and then terminate the plaintiff. Prior to the plaintiff’s termination, the defendant company applied for a PPP loan in response the COVID-19 pandemic, and listed the plaintiff as one of the employees whose jobs were going to be retained. The plaintiff seeks declaratory relief as to his rights under the indemnification agreement.

September 21, 2020
Sabato v. Planes Moving & Storage, Inc. LLC (Hamilton County, Ohio)
The plaintiff was the vice president of business development in the sales department for a moving and storage company. He alleges that in January 2020 the defendant decided to remove the plaintiff from his then-current sales team and reassign him. He claims that the defendant entered into an oral contract with him that included compensation of over $300,000 for the year. He alleges that two other, younger members of his sales team were also reassigned. The plaintiff alleges that on Feb. 28, the defendant broke the contract and his salary was reduced to $150,000, but claims that the defendant did not reduce the compensation of the younger team members who were reassigned. The plaintiff claims that on April 3, he was abruptly terminated, allegedly due to a decline in business as a result of the COVID-19 pandemic. The plaintiff claims that he and other employees were terminated despite the company receiving over five million dollars under the CARES Act in order to retain employees who might otherwise be laid off during the pandemic. The plaintiff brings causes of action for age discrimination, breach of contract, and declaratory relief and a temporary restraining order and permanent injunction.

August 10, 2020
Crane, Jr. v. M.B. Kayani, Physician, P.C. (St. Lawrence County, New York)
The plaintiff, an ophthalmologist, alleges, among other things, breach of employment contract for being furloughed during the COVID-19 pandemic. The plaintiff alleges that he entered into an employment agreement in 2012 to provide ophthalmologist services. The plaintiff alleges that the agreement provides that it “may be terminated by either party upon no less than ninety (90) days written notice,” and that the ophthalmology practice may terminate the agreement for “documented
inadequate performance on [the plaintiff's] part.” The complaint alleges that on March 20, 2020, the COO informed the plaintiff that the practice had “furloughed” the plaintiff because “there was insufficient patient volume” “due to COVID-19.” The plaintiff claims that, although he was told that the reason he was furloughed was low patient volume, other physicians and clinicians in the practice continued to work during the COVID-19 pandemic, and that the practice even hired a new physician assistant. On June 8, the practice lifted the plaintiff’s “furlough.” He was then permitted to resume providing services to patients, but was terminated approximately two weeks later, for allegedly refusing to examine another doctor’s patient and “berating a technician,” which the plaintiff denies. The plaintiff alleges, among other things, that his employer breached his employment agreement by furloughing him during the COVID-19 pandemic and by “improperly terminating” him.

August 7, 2020
Edge, et al. v. Dermatology Solutions (Lee County, Florida)
The two plaintiffs were employed by a dermatology practice. One plaintiff was employed as a physician assistant, and the other was employed as a registered nurse. Both plaintiffs allege that they were under employment contracts that required 90-day written notice for termination without cause. The plaintiffs allege that as of March 18, 2020, during the COVID-19 pandemic, the defendant did not have proper safety procedures in place. Specifically, the plaintiffs allege that the defendant did not require the use of PPE, did not screen patients for COVID-19 symptoms before seeing them, and did not require social distancing. The plaintiffs claim that they explained their safety concerns to their supervisors, but that their concerns were not taken seriously. The plaintiffs further allege that one supervisor insisted on being in close contact with the plaintiffs without a mask after he had traveled through multiple airports, and that he openly mocked their concerns about the virus. The plaintiffs claim that the supervisor told them that COVID-19 was all “media hype” and that they were all going to contract the virus. The plaintiffs allege that they asked if they could use their paid time off until safety measures and screening protocols were put in place, and were told that they could do so. However, the plaintiffs claim that during their approved leave, they received text messages stating that they were terminated, and that they were not provided with reasons for their terminations. The plaintiffs claim that their terminations were not for cause, and that the defendant therefore breached their employment contracts. The plaintiffs also bring a cause of action for whistleblower retaliation under Florida law.

August 3, 2020
Quiggins v. Lindenwood University (St. Charles County, Missouri)
The plaintiff, a theater professor, sued the defendant for breach of his employment contract. The plaintiff alleges that in March 2020, he and the defendant executed a contract for the plaintiff to teach theater during the 2020-2021 school year. The plaintiff alleges that in May 2020, the defendant told him that it would not honor his contract for the upcoming school year due to the uncertainty regarding enrollment arising out of the COVID-19 pandemic. However, the plaintiff alleges that as of July 2020, the defendant’s stated enrollment for the 2020-2021 school year was the same as it had been the previous year. The plaintiff seeks damages arising out of the defendant’s alleged breach of contract, including lost pay and benefits.
June 25, 2020

_Gillule v. Manhattan Woods Enterprises, LLC, et al._ (Rockland County, New York)
The plaintiff alleges that he entered into an employment contract with the defendants to act as the club manager at a private golf club. He alleges that under the contract, he could only be terminated for cause. He claims that during the COVID-19 pandemic, the company suspended business operations and stopped paying his salary. He claims that the company failed to give proper notice of the suspension of operations under New York’s WARN Act. He further alleges that when the company began lifting the suspension on business operations, the company refused to permit him to return to work and later ceased paying for his group health insurance. He claims that he was terminated without cause in violation of his employment contract. He brings causes of action for breach of contract, unjust enrichment, and failure to provide proper notice under New York’s WARN Act.

June 24, 2020

_Flagg, et al. v. Hubbard Radio Seattle, LLC_ (King County, Washington)
The plaintiff, who is known as Jubal Fresh, alleges that he is one of the most popular radio personalities in Seattle. He claims that he entered into an employment contract with the defendant under which he would perform on the defendant’s radio show. The plaintiff alleges that the defendant sent him a letter in January 2020 stating that the company had grounds to immediately terminate his employment for cause as a result of his “inappropriate, unprofessional, offensive, and insubordinate conduct,” including certain posts by the plaintiff on Facebook and YouTube. The plaintiff alleges that despite the letter, the company continued to request his services for several months, including having the plaintiff shoot promotional videos. The plaintiff claims that in April 2020, the company sent an email to his agent providing formal notice that it was terminating the employment contract with the plaintiff for cause. The plaintiff claims that he requested that the company provide details concerning the “cause” for the termination, but that it has failed to do so, because no cause exists. He claims that the termination for cause is a pretext for terminating the contract because of decreased advertising revenues caused by the COVID-19 pandemic. Further, the plaintiff alleges that the company sent a letter to his counsel attempting to enforce the non-compete provisions in the employment contract despite the fact that the company terminated the contract. He brings causes of action for breach of contract and injunctive and declaratory relief.

June 12, 2020

_Kalsey v. Dialsource, Inc., et al._ (Sacramento County, California)
The plaintiff worked as the head of product for a software company. The plaintiff alleges that he entered into an employment contract with the defendant employer for a term of one year and a guaranteed salary of $250,000. The plaintiff alleges that in March 2020, the company began experiencing financial difficulties as a result of the COVID-19 pandemic, and as a result, informed him that he was being terminated. He claims that the company offered to pay him a severance of $20,000, but that this sum would not cover what he was owed under his employment contract. The plaintiff alleges that he later received a letter from the company’s counsel, who informed him that he was being terminated for cause, and therefore the salary guarantee in the employment contract did not apply.
The plaintiff brings causes of action for breach of contract, breach of the covenant of good faith and fair dealing, promissory estoppel, and waiting time penalties.

Constitutional Rights

June 3, 2020

(Northern District of Illinois)
The plaintiff, a “tenured educator licensed to serve students with special needs,” claims violations of 42 U.S.C. § 1983, the 14th Amendment to the United States Constitution, and Illinois law. The plaintiff served as director of student services from July 1, 2019, to June 30, 2020, under a contract. The plaintiff claims that the school board voted to rehire her through June 2021, and that she received notification of that decision on March 25, 2020. Per the plaintiff, however, on that same day she “became violently ill … and was admitted to the emergency room where she was diagnosed as suffering from the COVID 19 virus and placed in quarantine for 14-days.” The plaintiff reports that, from that point, the defendants forced her to “continue her job duties even though they knew she was in quarantine and struggling to survive” and that she was informed on April 2, 2020, that her position was being posted and her job would terminate on June 30, 2020, because she did not sign or accept the contract that was sent to her on March 25, 2020. The plaintiff claims that the school board posted her position on April 2, 2020, without ever giving her an explanation or an opportunity to address the matter. According to the plaintiff, the board “willfully and deliberately disregarded [her] constitutional rights when it rescinded her employment agreement without notice or an opportunity to be heard, either before or after rescinding the agreement.” The plaintiff also makes a claim of intentional infliction of emotional distress, stating that, on March 16, 2020, she notified her superior that “she was at high risk for contracting the COVID-19 virus because of her age and she suffered from an underlying condition.”

May 29, 2020

Doe v. Pasadena Independent School District (Southern District of Texas)
In this class action on behalf of certain hourly employees of a school district, the plaintiffs allege that the school district’s attempt to recoup additional monies paid for on-site work to employees during the COVID-19 pandemic constitutes a taking without just compensation under the Fifth and Fourteenth Amendments of the U.S. Constitution, is a violation of due process under the Fourteenth Amendment, and is a breach of contract. The plaintiffs allege that around the time that a county order went into effect requiring individuals to stay home unless performing essential services, the school district emailed the plaintiffs regarding which jobs were considered essential and which jobs were not. The school district’s email also stated that each hourly employee would be paid a “salary” of 40 hours per week at the employee’s regular hourly rate, and “one and a half times their regular hourly rate for any time they spent working on-site performing jobs deemed essential.” The plaintiffs were deemed essential, and were required to work on-site, and were paid the additional amount for their on-site work. After approximately one month, the school district emailed the plaintiffs, stating that there had been “a major clerical error” that “caused hourly employees to receive overpayments of premium/call out pay for time worked on-site during the
April 23, 2020  
**Correction Officers’ Benevolent Association, Inc. v. City of New York**  
(Queens County Supreme Court)  
Complaint filed on behalf of approximately 10,000 corrections officers alleging that their right to preserve their bodily integrity under the New York Constitution has been violated by the Department of Corrections’ practices of: (1) requiring corrections officers to work additional overtime shifts without adequate rest as a result of the COVID-19 pandemic, and (2) not requiring a negative COVID-19 test to return to work.

**Constructive Termination**

December 21, 2020  
**Mullins v. Applied Membranes, Inc., et al.** (Orange County, California)  
The plaintiff, an accounts payable specialist, alleges that in March, executive orders were issued due to the COVID-19 pandemic that required individuals to comply with guidelines enacted by the CDC to prevent the spread of COVID-19. These guidelines included social distancing and working from home where feasible. The plaintiff alleges that her supervisor repeatedly came within six feet of her, despite repeated requests that he not do so. The plaintiff alleges that she placed chairs in front of her cubicle to prevent her supervisor from coming within six feet, and alleges that she subsequently received an email from another supervisor ordering her to remove the chairs because it was “disrespectful and insulting.” After the plaintiff complained to the owner of the company regarding her supervisor’s defiance of social distancing requirements, her supervisor began acting with increased hostility toward the plaintiff by “giving her conflicting directive and excessive workloads.” The plaintiff alleges that she decided to resign from her position because of “the intolerable working conditions created” by her supervisor, which “would have compelled any reasonable person in plaintiff’s position to resign.” The plaintiff alleges that “a substantial motivating reason for the creation of such intolerable working conditions was retaliatory animus based on [the plaintiff] having complained” about her supervisor’s noncompliance with COVID-19 related executive orders. The plaintiff claims she was wrongfully constructively terminated in violation of public policy.

December 16, 2020  
**Horton v. Chesco Services** (District of South Carolina)  
The plaintiff claims that she was discriminated against in violation of Title VII and the ADA, retaliated against for taking a medical leave due to COVID-19 exposure, and constructively discharged. The plaintiff claims she was required to provide in-person classes to staff members during the pandemic, and that she “inquired about protective equipment and conducting training via various teleconferencing options to reduce COVID exposure.” The plaintiff claims that “Defendant[‘s] representatives, two white males, demanded that [the plaintiff] continue working face to face...
during the pandemic with no protective gear.” The plaintiff alleges that she “was of course exposed to COVID-19, thus requiring her to be tested.” The plaintiff claims that she was ordered by a healthcare professional to quarantine for seven to 10 days, or until her results were received. The plaintiff further alleges that following her doctor’s orders to quarantine, she was still required to continue providing in-person training, and that she received unwarranted discipline for objecting to the unnecessary exposure. The plaintiff claims that she was perceived by the defendant “to be disabled and unwilling or unable or work through quarantine.” The plaintiff alleges that the defendant created a hostile work environment and that she was “demonized for putting her health before her job and accused of not performing as requested.” The plaintiff claims “her work conditions had become dangerous and hostile in a manner so extreme that she had no choice but to resign her employment.”

**December 15, 2020**

*Watts v. DFA Dairy Brands Fluid, LLC* (Butte-Silver Bow County, Montana)

The plaintiff, a former sales employee, filed a complaint against his employer for wrongful and constructive discharge under state law. The plaintiff alleges that he was an exemplary employee of 39 years when he tested positive for COVID-19. The plaintiff claims that he followed the defendant’s policies for reporting his positive test result to his employer, and that the defendant gave him a choice to retire or resign or else his employment would be terminated. The plaintiff alleges that he was wrongfully forced to resign, effectively terminating of his employment. The plaintiff seeks an unspecified award of damages, interest, attorneys’ fees and costs.

**November 16, 2020**

*Lacasse v. Fecteau Residential, Inc.* (Washington County, Vermont)

The plaintiff worked for the defendant as a sales consultant for 12 years. In March, Vermont implemented COVID-related restrictions for business operations, including one that stated businesses should encourage and facilitate telework and accommodate the needs of high-risk individuals and those with childcare needs. The plaintiff claims that the defendant’s offices remained open despite being too small to allow for proper social distancing; the defendant allowed clients to walk freely into both the office and its model homes without taking any safety precautions or sanitary measures beyond sanitizing the doorknobs once daily; and the defendant did not enforce employee mask-wearing. In April, the plaintiff’s supervisor wanted her to return to the office. The plaintiff claims that doing so would have exposed her and her children to unsafe and dangerous working conditions. The plaintiff also claims to have successfully worked remotely in the fall of 2019, following two major surgeries. On April 24, 2020, the plaintiff alleges that the defendant placed her on an involuntary leave of absence without warning or justification, blocked her access to company email, and accessed her email to change her signature line to read, “I will be out on leave until further notice.” On May 11, 2020, plaintiff submitted an extended leave application because her child’s school was conducting remote learning. On June 9, 2020, the plaintiff contacted the defendant to inform them that she was no longer eligible for extended leave because her child’s school had closed for the summer. At this time, the defendant insisted that the plaintiff work at its cramped headquarters. The plaintiff claims that this amounts to an adverse employment action and violates government guidelines concerning COVID safety measures, causing her
to resign. The plaintiff claims that her resignation constitutes a constructive discharge and retaliation in violation of public policy.

*Dorra Cherif v. Michael Kors (USA) Inc. et al.* (Orange County, California)
The plaintiff, a collection specialist, claims violations under California’s Fair Employment and Housing Act. She alleges that she was denied a work environment free of discrimination, retaliation and harassment because of her age or perceived disability, and that she was forced to quit. Specifically, the plaintiff alleges that she was placed on a furlough along with other employees at her store after the governor issued an executive order, because “the [business was] deemed ‘non-essential.’” The plaintiff claims that when the employees were later permitted to report to work, her employer first called back younger, part-time employees and that after the plaintiff was called back to work, she was demoted to a part-time sales assistant position. The plaintiff believes that her demotion was “orchestrated by the company as discrimination due to her age and disguised it as ‘based upon COVID-19.’” The plaintiff further alleges that management forced her to resign due to the hostile and unfair treatment from her supervisors such as repeated comments made to her after she expressed concerns about the lack of safety protocols.

**October 20, 2020**
*Bohl v. Town of Peterborough* (Hillsborough County, New Hampshire)
The plaintiff worked in the town clerk’s office. She alleges that she has asthma, which puts her at high risk of developing complications from COVID-19. She claims that on June 23, she filed a formal complaint with the town administrator against the town clerk, expressing concerns that the town clerk exhibited a cavalier attitude towards protecting herself, the public, and town staff from exposure to COVID-19. The complaint included the clerk’s refusal to install Plexiglas barriers in the office, to allow the plaintiff to increase the distance between their desks, to wear a mask in the office, and to follow self-isolation requirements after she was exposed to someone who tested positive for COVID-19. The plaintiff alleges that she also complained that the town clerk engaged in hostile and abusive behavior, unrelated to COVID-19, such as using “extreme profanity” in the office and yelling at employees, including the plaintiff. She claims that the town retained a consulting group to investigate her complaint, and that the group found that her concerns were substantiated. She alleges that as a result of her complaint, the town administrator changed her work hours and moved her to a conference room to work. She alleges that she sought medical treatment for anxiety as a result of her interactions with the town clerk. The plaintiff further claims that on July 8, she wrote to the town administrator again and expressed her continued concerns, including that the town clerk still refused to wear a mask and continued to touch items on the plaintiff’s desk. She claims that she saw no way out of her unsafe working situation, and that she “involuntarily resigned” on Sept. 29 due to “health reasons and a hostile work environment.” She brings causes of action for wrongful constructive discharge and whistleblower retaliation.

**September 28, 2020**
*Pinho v. Harrison Hotel Liquor, LLC dba The Station* (Hudson County, New Jersey)
The plaintiff worked as a server and bartender for the defendant. The defendant shut down in March, pursuant to the New Jersey governor’s COVID-19 shutdown order. On June 22, the defendant reopened for
outdoor seating only, under the governor’s order allowing such operations. The plaintiff’s first day back at work was June 26. The plaintiff alleges that her manager did not follow the restrictions outlined in the governor’s order, such as requiring PPE for employees and customers, observing social distancing, and disinfecting surfaces. The plaintiff claims that over the course of her shift, she complained to her manager multiple times about his supposed lack of concern for the safety of customers and employees, but was ignored by her manager. Rather, the plaintiff alleges her manager, wholly unconcerned about safety, encouraged her to serve as many customers as possible. At the end of her shift, the plaintiff again confronted her manager, stating she could not believe he forced her to work in what she felt were unsafe conditions. Her manager allegedly replied, saying the plaintiff was “too scared to work,” and that she was “not brave.” That night, the plaintiff sent an email to the defendant’s human resources manager detailing her experience that night, and stating that she did not feel safe returning to work and therefore felt forced to quit. The plaintiff sued the defendant alleging she was constructively discharged in retaliation for her multiple complaints about unsafe work conditions in violation of the New Jersey Conscientious Employee Protection Act.

**September 25, 2020**  
*McLaughlin v. Rafferty’s, Inc.* (Middle District of Georgia)  
The plaintiff was a waitress at a restaurant, and alleges that on June 26, she began to exhibit symptoms of COVID-19. She claims that the following day, she reported to work and informed her manager that she was ill with COVID-19-like symptoms. The plaintiff claims that the manager admonished her, questioned whether she was truly ill, and required her to complete her shift despite her requests to go home. The plaintiff alleges that she reported for work again two days later, on her next scheduled shift, and informed multiple persons, including the district manager, that she was suffering from symptoms of COVID-19. She claims that she provided pictures she had taken earlier that day showing her temperature of over 100 degrees. The plaintiff alleges that the district manager “made statements that implied [the plaintiff] was lying about her condition to avoid work.” She claims that the district manager sent her home for the day, but required her to return later that week. She claims that later that afternoon, she sent an email to the defendant stating that she could no longer work at the restaurant due to their irresponsible practices after learning of her COVID-19 symptoms. She claims that the defendant issued a separation notice later that day which stated that the plaintiff voluntarily quit. She alleges that she then had a diagnostic test for COVID-19, which showed that she was positive for the virus. She claims that she was terminated because she requested sick leave, and that the defendant failed to provide her with required notices under the EPSLA and failed to provide her with sick leave as required under the EPSLA. She brings causes of action for failure to pay sick leave pursuant to the EPSLA and retaliation under the EPSLA.

**September 11, 2020**  
*MaryJo Delaney v. Advantage Sales Ltd., et al.* (Middle District of Pennsylvania)  
The plaintiff, a processing manager for a retail store, claims interference and retaliation under the FFCRA. Specifically, the plaintiff alleges that she requested to adjust her schedule to work only from 8 a.m. to 2 p.m. after her son’s school closed until the end of the 2019/2020 school year. The
plaintiff further alleges that she told her employer that if he was unable to meet this request, she would need to request FFCRA leave. The plaintiff alleges that her employer responded that he needed time to consider her request. When the plaintiff met again with her employer to discuss her request, she alleges she was told the schedule was not workable because she was a manager, and that her employer proceeded to throw “printouts on the table, showing that [the plaintiff] was ‘active’ on Facebook, and yelled, ‘it’s not f---ing 8:00.'” The plaintiff further alleges that she was told if she took FFCRA leave, she would be demoted when she returned. Thereafter, the plaintiff alleges that she confronted her employer about his conduct and he agreed it was “it was not acceptable ... to use profanity and speak to her in that manner.” The plaintiff claims that her employer began to overly scrutinize her work performance and subjected her to unfair criticism. The plaintiff alleges that, though she had not been previously disciplined prior to requesting FFCRA leave, soon after she received discipline for failing to manage employees effectively and was demoted to “processing crew member.” The plaintiff alleges that due to further threats of termination, she was forced to resign.

*Ramos v Reliable Silicone Compounders Inc.* (Orange County, California)
The plaintiff was a sales administrative manager with the defendant. The plaintiff alleges that she suffers from chronic bronchitis and needed to take time off from work due to her illness. According to the plaintiff, on March 17, the plaintiff’s manager told the plaintiff that the defendant’s owner had informed him that due to the COVID-19 pandemic, the defendant could not afford to retain the plaintiff and thus, she had to be laid off. The plaintiff alleges that the defendant immediately hired a replacement for her position. The plaintiff alleges that she filed for unemployment, but suspecting that she would still be brought back to work, she informed her manager that she was pregnant. Despite being laid off, the plaintiff claims she resigned after the defendant’s attorney called her to dispute her unemployment claim. The plaintiff claims that the defendant’s actions amounted to constructive discharge, disability discrimination, and retaliation due to her bronchitis and pregnancy. The plaintiff also claims that the defendant failed to engage in the interactive process to determine effective reasonable accommodations and failed to accommodate.

**September 3, 2020**

*Hummel v. The Devereaux Foundation* (Eastern District of Pennsylvania)
The plaintiff, a former administrative assistant, filed suit under the ADA against the defendant, a behavioral health organization. The plaintiff alleges that she suffers from chronic obstructive pulmonary disorder (COPD), which impairs her lung function. After the onset of the COVID-19 pandemic, the plaintiff requested and initially received permission to work from home two to three days a week. After several weeks, the plaintiff alleges that the defendant told her that she was only able to work from home one day a week. The plaintiff went to her pulmonary specialist, who recommended, due to her COPD, that she work from home as many days as possible to limit her exposure to COVID-19. Nevertheless, the defendant continued to require the plaintiff to come to the office four days a week. After several more weeks, the defendant told the plaintiff that she would be required to work from the office five days a week. When the plaintiff objected, the defendant stated that it could not accommodate her requests to work from home, and that if she could not come into the office, she could use her PTO. The plaintiff alleges that after she
exhausted her PTO, she advised the defendant she would be returning to work and that, in response, the defendant told her she could not come back until she received a note from her doctor allowing her to return to work as normal. Thereafter, the plaintiff resigned, alleging that she did not believe the defendant would let her return to work. The plaintiff claims that the defendant violated the ADA by failing to accommodate her, discriminating against her, and constructively discharging her.

September 1, 2020

_Barron v. ClosetMaid LLC, et al._ (San Bernardino County, California)
The plaintiff was a distribution material handler for the defendant. He alleges that in March, he complained to his supervisors that the company had no plans to enforce or implement social distancing, to have employees wear masks, or to take other safety measures to protect the employees from COVID-19. He further alleges that he complained to his manager more than once that the business was not an “essential” business and that working conditions were dangerous. He claims that his manager and the human resources supervisor informed him that his “request was not well-taken” and that he was told, “[i]f you don’t like it, you don’t have to work here.” He alleges that on March 27, he became ill and took time off work as a result of work-induced stress. He further alleges that on April 16, he was required to take additional time off to care for his children, whose schools were closed as a result of the pandemic. He claims that when he returned, he was frightened by the working conditions. He alleges that most of his co-workers did not wear masks or social distance, which caused him “to experience a tremendous level of stress and fear.” He claims that he complained to human resources once more that he felt his life was in danger as a result of the conditions. He alleges that the human resources representative informed him that he was making her “look bad,” and pressured him to stop complaining. The plaintiff claims that he felt working conditions were so intolerable that he had no choice but to resign, and that he did so on April 27. He brings causes of action for whistleblower retaliation, wrongful termination, and unfair business practices.

August 18, 2020

_Smith v. Meadows Ridge Care Center, LLC, et al._ (San Bernardino County, California)
The plaintiff, a CNA for a medical facility, alleges that she was constructively discharged in violation of California public policy, and discriminated against for her real or perceived disability in violation of FEHA. The plaintiff alleges that in response to COVID-19-related executive orders, the defendant’s administrator informed the plaintiff and other workers that they were permitted to wear masks, but that they would have to buy their own. The plaintiff alleges that she and her colleagues did not have access to masks or other PPE. The plaintiff also alleges that the defendants failed to inform the employees which patients were infected with COVID-19, or the risk areas associated with COVID-19 deaths. The plaintiff alleges that she was “[f]orced to choose between her life or her job,” and that she chose her life. The plaintiff alleges that due to an influx of patients, she was overworked and overstressed. The plaintiff alleges that “according to regulations,” she was not authorized to handle such a high workload by herself, and that a patient complained she was not being fed properly due to the high workload of all employees. The plaintiff alleges that the administrator informed her that if she reported
another complaint, that she would be fired. The plaintiff claims that “[g]iven that she was legally obligated to report what constituted elder abuse . . . she found herself constructively terminated.”

July 23, 2020
Stine v. Zwerling Broadcasting System, Ltd. (Santa Cruz County, California)
The plaintiff alleges that he was constructively discharged in violation of California public policy, and that he was retaliated against for asserting his rights under California law to be classified as an employee. The plaintiff, a co-host of a radio show, claims that he repeatedly requested to be classified as an employee rather than an independent contractor. The plaintiff claims that he asked his supervisor about AB-5, the California law regarding who should be classified as employees. His supervisor allegedly first told him that AB-5 did not apply to the defendant employer “because that is the way [the owner] wants it.” When the plaintiff brought up the issue of classification as an employee again, his supervisor purportedly responded that, due the COVID-19 pandemic, AB-5 cannot be enforced, and that the California legislature was trying to repeal the statute. The plaintiff alleges that his supervisor also said, “if this causes you such anguish, you should quit.” After a discussion with the owner about the issue which did not result in an agreement over the plaintiff’s employment status, the plaintiff resigned from his position because he found “the workplace environment to be intolerable.” As such, the plaintiff claims “he was constructively terminated because he pointed out that as an employee he was entitled to [certain] benefits and [the employer] refused to provide them.”

June 29, 2020
Lightfoot v. Lucca Freezer & Cold Storage, Inc., et al. (Gloucester County, New Jersey)
The plaintiff, an employee in accounts receivable, alleges that she was retaliated against for complaining about the defendants’ “utter distain for employee health and safety in the workplace” in the wake of COVID-19. The plaintiff alleges she was retaliated against for raising safety concerns about another employee coughing at work, and for requesting an accommodation to work remotely to care for her school-aged children. The plaintiff alleges that in retaliation for her complaint and request for an accommodation, the defendants manufactured performance issues, overloaded her with job responsibilities, and set unattainable goals for her. Thus, the plaintiff claims that the defendants thereby “took retaliatory action against Plaintiff, by and through her constructive termination,” in violation of New Jersey law.

June 23, 2020
Elizabeth Donohew v. America’s Insurance Associates Inc. dba Moody Agency, et al. (Middle District of Florida)
The plaintiff, an employee for a CPA firm, claims that she was denied expanded FMLA leave she was entitled to under the Families First Coronavirus Response Act (FFCRA), and thereafter constructively discharged when her employer forced her to take an unpaid, unprotected leave to care for her daughter whose school was closed due to COVID-19. The plaintiff alleges that when her daughter’s school closed as a result of the pandemic, she requested to work remotely, as other employees without school-age children had been allowed to work from home. The employer allegedly denied the plaintiff’s request and instead
advised her to “drop her daughter at the YMCA for $95.00 per week.” The plaintiff claims she then requested to use her accrued paid time off to care for her daughter, and that this request was also denied. The plaintiff claims she was then placed on an unpaid leave, forcing her to resign.

June 17, 2020
Tobey v. Landmark of DesPlaines Rehabilitation and Nursing LLC (Cook County, Illinois)
The plaintiff was the assistant director of nursing at a long-term care facility. She alleges that during the COVID-19 pandemic, the defendant allowed outside visitors inside the facility, even though the defendant was aware that this endangered the patients. She also claims that the defendant made personnel who were exhibiting symptoms of COVID-19 report for work, risking the health of the personnel and the patients. Further, the plaintiff claims that the defendant forced her to work longer shifts than were legally permissible, including making her work for 24 hours in a row without sleep. Additionally, she claims that the defendant imposed unreasonable duties on her that were outside of her job description. The plaintiff alleges that as a result of these actions by the defendant, she was forced to resign and was thus constructively discharged.

Failure-to-Pay Claims

December 14, 2020
Mabel Ramos v. D Nakama Faction Corp., et al. (Southern District of Florida)
The plaintiff, a customer service representative, alleges she was denied sick leave after she contracted COVID-19. On Sept. 19, the plaintiff began experiencing COVID-19 symptoms and left work to take a COVID-19 test. The plaintiff’s test came back positive for COVID-19, and she was required to self-quarantine. The plaintiff claims that she informed the defendants of her positive diagnosis. On Oct. 5, the plaintiff took a second COVID-19 test, which came back negative. After receiving her negative test result, the plaintiff returned to work on Oct. 8. The plaintiff claims that the defendants failed and refused to pay the plaintiff sick leave she was entitled to under the EPSLA for the two weeks during which she was unable to work due to COVID-19.

December 10, 2020
Fenwick, et al. v. Amistad Homecare, Inc., et al. (Western District of Texas)
The plaintiff, a physical therapist at a home health and care company, alleges that the defendants failed provide her paid sick leave in violation of the EPSLA. The plaintiff claims that she began exhibiting symptoms of COVID-19 and sought COVID-19 testing. The plaintiff alleges that it took four days for the test results to come back, and that she was not paid sick leave while awaiting her test results. The plaintiff claims that the defendant’s policy was for employees who have been tested for COVID-19 to take a leave of absence while awaiting COVID-19 test results, and that the defendants “knew or should have known that their practices violated the FFCRA.” Additionally, and unrelated to her COVID-19 allegations, the plaintiff brings a collective action on behalf of herself and all similarly situated employees alleging that they were misclassified as exempt and that the defendants thus failed to pay
overtime to which they were entitled. On behalf of herself and those similarly situated, the plaintiff seeks damages under the FLSA, including monetary damages, liquidated damages, prejudgment interests, and costs and attorney’s fees.

**November 15, 2020**  
*Harris v. Prine Systems, Inc.* (Middle District of Florida)  
The plaintiff works for the defendant as a full-time, hourly employee. The plaintiff claims that she informed the defendant of her intent to self-quarantine pursuant to state, federal, or local government orders relating to COVID-19. The plaintiff alleges that she completed an “Unpaid Leave of Absence Request Form” at the defendant’s request, and that the defendant approved the plaintiff’s request for leave to complete a 14-day self-quarantine. The plaintiff claims that the defendant failed to pay her for 80 hours of paid sick time to which she was entitled under the FFCRA. The plaintiff asserts that the defendant refused to pay her, and instead counted her 14 days of sick leave against her annual quota for unpaid time off. The plaintiff also alleges that the defendant’s failure to provide the paid sick time constitutes a violation of the FLSA for failure to pay minimum wages.

**November 8, 2020**  
*Bhaghani v. Round Table Medical Consultants, LLC, et al.* (Southern District of Texas)  
The plaintiff was a call center employee for the defendants, who own freestanding medical emergency room clinics. He claims that in order to fulfill his duties, he worked a significant amount of overtime each week for which he was not paid. He further alleges that in addition to his base pay, the defendants agreed that he would receive $3 per patient that he routed to the clinics from the call center. He claims that prior to June 2020, the approval for the $3 per patient was performed on a daily basis via an audit of daily patient logs, which were forwarded to the executive assistant to one of the founders of the clinics. He claims that the executive assistant verified the daily patient logs, and shortly thereafter, he received the $3 per patient. He alleges that prior to the COVID-19 pandemic, which significantly increased patient referrals from the call center, the monthly patient count averaged between 1,500 and 2,000. He alleges that in June, in addition to his base pay, he received $46,104 resulting from 15,368 patient referrals. He alleges that in July, he earned $134,235 as a result of 44,745 patient referrals. He claims that the amount was audited and submitted for approval, but that the defendants have refused to pay the amount. The plaintiff alleges that in August, the call center received 28,215 calls from potential patients, and that in September, it received 15,790 calls from potential patients. He alleges that the defendants have refused to audit and approve patient referrals for August and September, and have failed to pay him the $3 per patient owed for July, August, and September. He brings causes of action for failure to pay overtime in violation of the FLSA, breach of contract, conversion, and quantum meruit.

**November 6, 2020**  
*Patterson v. SerVaas Laboratories, Inc.* (Marion County, Indiana)  
The plaintiff was executive vice president of sales for the defendant, a manufacturer of cleaning products. In 2007, the plaintiff signed a contract with the defendant that entitled him to a base salary plus 24 percent of any increase in sales in each “semester,” which the contract defined as
two six-month periods per calendar year: one from January through June, and the other from July through December. In April 2020, there was a huge demand for the defendant’s cleaning products due to the COVID-19 pandemic, and sales accordingly skyrocketed. On June 30, the last day of the “semester,” the defendant’s owner told the plaintiff that his bonus for the first half of 2020 would not include all of the sales in that semester, because the COVID-19 pandemic was responsible for boosting the sales, and they therefore were not “quality” sales. The plaintiff objected and noted that such an interpretation had no basis in the contract language, and he demanded that all sales be factored into the bonus calculation. On July 1, the defendant terminated the plaintiff’s position, but invited and encouraged him to negotiate a new role for himself within the company. Additionally, the defendant’s owner proposed to calculate the plaintiff’s first semester 2020 bonus payment by averaging the sales numbers from January and February, the “non-pandemic” months, and multiplying that number by 6 months. The plaintiff accepted this calculation as partial payment, and made clear that he expected to be paid based on the actual sales numbers. The defendant refused to include all of the actual sales from the first semester of 2020 in the calculation of the plaintiff’s bonus, so the plaintiff sued the defendant alleging breach of contract.

November 3, 2020
Luna v. Penske Logistics LLC, et al. (Sacramento County, California)
The plaintiff, on behalf of himself and a putative class of current and former non-exempt employees in the state of California, brought suit against his former employer, a logistics company, for various violations of the California Labor Code. In particular, the plaintiff alleges that non-exempt employees are not paid for the time spent waiting in line to be screened for COVID-19 through mandatory temperature checks. Additionally, unrelated to his COVID-19 allegations, the plaintiff alleges violations of the California Labor Code for failure to provide meal and rest breaks, failure to provide wages when due, and failure to reimburse required expenses. Based on these allegations, the plaintiff claims that the defendant failed to pay both minimum and overtime wages due, and thus failed to provide accurate wage statements. Moreover, the plaintiff alleges that in August 2020, he complained about the defendant’s failure to take the appropriate precautionary measures and adhere to public safety guidance in light of the ongoing COVID-19 pandemic. The plaintiff alleges that he was terminated shortly thereafter. The plaintiff thus alleges, on his own behalf, that the defendant wrongfully terminated him in violation of public policy.

Gessica Marie Phillips v. Subway of Cherry Creek Inc. (Boulder County, Colorado)
The plaintiff was an hourly food service worker employed by the defendant, an operator of franchised Subway restaurants, from October 2016 to May 2020. The plaintiff claims that she worked at several restaurant locations, typically working five days a week and eight hours a day. She claims, however, that once the COVID-19 pandemic hit, she often worked seven days a week, during which the defendant failed to provide legally required meal and rest breaks due to understaffing. The plaintiff claims that, as a result, she and others were deprived of wages, including overtime pay. On behalf of herself and a class of similarly situated hourly employees, the plaintiff makes claims under the Colorado Wage Claim Act and Minimum Wage Act, and separately alleges civil theft.
October 14, 2020

Jauregui, et al. v. Cytec Engineered Materials, Inc., et al. (Orange County, California)

The plaintiff, on behalf of a putative class of non-exempt employees in the state of California, has brought suit against his employer, a manufacturer of chemicals, and several allegedly related entities for various violations of the California Labor Code. In particular, the plaintiff alleges that the defendants require non-exempt employees such as himself to perform work-related tasks off-the-clock. These tasks allegedly include putting on and taking off uniforms and other protective gear (i.e. donning and doffing), and waiting in line to go through the defendant’s security. Further, the plaintiff alleges that the non-exempt employees are not paid for the time spent waiting in line to be screened for COVID-19 through mandatory temperature checks. Based on these allegations, the plaintiff claims that the defendant failed to pay both minimum and overtime wages due, and thus failed to provide accurate wage statements. Additionally, the plaintiff alleges violations of the California Labor Code for failure to provide meal and rest breaks, as well as for failure to reimburse required expenses.

October 12, 2020

Jose M. Goncalves Pereira v. Flamingo Ice Holdings LLC, et al. (Southern District of Florida)

The plaintiff was a “local delivery driver who was responsible for driving a commercial vehicle to deliver bags of ice to local stores.” The plaintiff alleges he began experiencing COVID-19 on July 9, and tested positive for the virus, “and so was required to self-quarantine.” He claims he informed the defendant of his diagnosis. The plaintiff took a second COVID-19 test, which also came back positive, “requiring him to continue his self-quarantine.” He alleges he again notified the defendant. He returned to work on Aug. 3, but the defendant “failed and refused to pay Plaintiff the sick leave to which he was entitled . . . for two weeks during which he was unable to work due to COVID-19.” The plaintiff brings a claim for violation of the EPSLA regarding the unpaid leave. The plaintiff also brings two additional claims unrelated to COVID-19. First, the plaintiff claims that he worked overtime during one pay period, but that he was denied overtime because the defendant deducted $485.00 from his pay for damages they claimed he caused to a warehouse door.” Second, the plaintiff alleges that when he returned from his COVID-19 leave, he reported safety concerns regarding his assigned vehicle to the defendant’s dispatcher, and objected to the being required to operate the vehicle in a purportedly unsafe condition. He claims that the defendant “did not fix the vehicle, and did not provide him with a substitute vehicle to operate.” The plaintiff alleges that the defendant violated the Florida Whistleblower’s Act by terminating him “[a]s a direct and proximate result of [the plaintiff] objecting to operating the vehicle.”

October 8, 2020

Berger, et al. v. Open Road Auto Group, et al. (Essex County, New Jersey)

The plaintiffs, on behalf of a putative class finance managers working for the defendant car dealerships, allege that the defendants failed to pay them all agreed-upon compensation in violation of New Jersey law and in breach of their respective contracts. The plaintiffs allege that prior to the COVID-19 pandemic, each putative class member entered into an
agreement concerning how they were to be paid. This agreement was based upon the percentage of profit on the sale of cars and other products by the dealerships. The plaintiffs allege that when the pandemic hit, despite the governor’s stay at home order, the defendants required the plaintiffs and putative class to continue to come into work under the threat of job loss. The plaintiffs also allege that the defendants received PPP funds from the federal government. Nevertheless, the plaintiffs allege that the defendants failed to fully compensate them for all amounts owed under the agreed upon payment plan, and have also failed to pay the plaintiffs’ earned vacation time. The plaintiffs thus allege class action claims for breach of contract under the New Jersey Wage Payment Law.

October 5, 2020
Marinos, et al. v. The District of Columbia, et al. (District Court for the District of Columbia)
The plaintiffs, current and former police officers, detective, and sergeants of the Metropolitan Policy Department (MPD), allege that the MPD violated the FLSA by failing to include hazard pay in calculating regular rates of pay for purposes of calculating overtime pay. The plaintiffs allege that on April 14, as a result of the COVID-19 pandemic, the mayor of the District of Columbia authorized “a $14 per diem premium payment for employees who are physically required to report to work to fulfill their official job duties for the duration of the COVID-19 Public Health Emergency.” The plaintiffs allege that the MPD provided, and continue to provide, the $14 per diem hazard pay. The plaintiffs allege that they are entitled to overtime compensation equal to one and a half times their regular rate of pay for all hours worked in excess of 171 hours in a 28-day work period, and that their overtime pay has been “at a reduced rate that fails to include in its calculation the hazard pay that [the plaintiffs] have received.” The plaintiffs allege that “the overtime compensation paid to Plaintiffs was not equal to one and one-half times the Plaintiffs’ regular rates of pay because their regular rates of pay did not take into account the $14 per diem hazard pay.”

September 21, 2020
Shelby Rose Miller v. Elliott Oil Company (Clarke County, Iowa)
The plaintiff, a gas station cashier, claims that her employer failed to provide her with paid sick time under the EPSLA after she was exposed at work to an employee with a confirmed case of COVID-19, and her health care provider directed her to quarantine pending the results of her COVID-19 test. Specifically, the plaintiff alleges that after she was exposed to COVID-19 at work, her employer required her to be tested for COVID-19, and that she informed her supervisor that her health care provider directed her to quarantine until she received the test results. When the plaintiff reported to work after receiving a negative test, her employer terminated her for being a “no-call, no-show” for the days that she was on quarantine. The plaintiff claims that because her employer failed to provide sick leave under the EPSLA, her employer also failed to pay minimum wages in violation of the FLSA.

September 8, 2020
David Estling, GIDB Tiki, LLC dba Tiki Hut (District of South Carolina)
The plaintiff, a manager, claims violations under the FFCRA and the FLSA when his employer failed to provide notice of his rights under the EPSLA and failed to provide benefits to which he was entitled under the act. Specifically, the plaintiff alleges that he was directed to quarantine by
a health care provider because he was in close proximity to a person experiencing COVID-19 symptoms, because he was experiencing COVID-19 symptoms, and because he tested positive for COVID-19. The plaintiff alleges he was denied 80 hours of emergency paid sick leave as required under the FFCRA. The plaintiff alleges that her employer’s refusal to provide paid leave constitutes a willful violation of the FLSA.

**September 2, 2020**

*Shawn Campo, et al. v. Wokcano Mainplace LLC* (Orange County, California)

The plaintiffs brought suit for the defendant’s alleged failure to pay wages and alleged retaliation for complaints about the defendant’s refusal to pay wages in a timely manner. The plaintiffs were furloughed from the defendant’s restaurant after California’s governor ordered all restaurants and bars to shut down to contain the spread of COVID-19. The plaintiffs allege that the defendant failed to issue the plaintiffs’ last payroll checks in a timely fashion, and that they are entitled to penalties because of the defendant’s willful failure to pay the plaintiffs all wages due to them at the time of the workers’ separation. The plaintiffs allege that the defendant further violated the California Labor Code when it unlawfully retaliated against the plaintiffs for their complaints by refusing to continue their furlough status, and instead terminating each plaintiff’s employment. The plaintiffs also bring unrelated claims for failure to pay overtime.

**August 24, 2020**

*Harris v. Hawaii Department of Labor and Industrial Relations* (Third Circuit, Hawaii)

The claimant, a part-time bicycle repair technician who suffered from asthma, informed his employer on March 23 that he did not feel safe returning to work due to his concerns over exposure to COVID-19. When the claimant told his employer that he was not going to work a scheduled shift on March 24 and requested to work remotely instead, the employer said he could not work remotely and his refusal to report to work would be treated as a voluntary resignation. The claimant did not report to work, his employment was terminated, and he filed for unemployment benefits. The Hawaii Department of Labor and Industrial Relations denied the application for unemployment benefits after finding that he quit without good cause. The claimant appealed the denial of benefits to a hearing officer, asserting that he did not quit and that, even if he did, he should be eligible for unemployment benefits because his particular circumstances established good cause to quit under the applicable Hawaii administrative rules. The hearing officer affirmed the denial of unemployment benefits, finding in part that the claimant failed to provide a statement from his health care provider advising him to quit his job. The claimant then requested that the appeal be reopened, asserting that the COVID-19 pandemic constituted a change in working conditions. He maintained that because of his underlying health condition, the change in working conditions was detrimental to his health and safety, and therefore fell within one of the enumerated reasons for establishing good cause. The hearing officer denied the claimant’s request, finding that the claimant failed to submit any new evidence to warrant reopening the appeal. The claimant then filed a notice of appeal to the circuit court, asking the circuit court to reverse the decision to deny his application for unemployment benefits.

**August 18, 2020**
Sara Ingster v. New York City Health & Hospitals (New York County, New York)
The plaintiff, an addiction counselor at a hospital, suffers “from the medically documented conditions of diabetes and mycosis fungoides, and is and was immunocompromised.” The plaintiff asserts that as a result, she “would be at significant medical risk if exposed to the COVID virus at her worksite.” After the COVID-19 pandemic began, she alleges that she was granted her requested accommodation of working from home five days per week (her full work week). After three months, the plaintiff alleges that the “defendant revoked plaintiffs five days per week work from home schedule and substituted same with a two days per week work from home schedule.” According to the complaint, since the plaintiff was unable to work on-site due to her “aforesaid disabilities,” her salary was reduced such that she is only paid for two days per week. The plaintiff claims that the revocation of her accommodation and decreased salary violated the New York State Human Rights Law and the New York City Human Rights Law.

August 17, 2020
Mayra Santos-Urquiola v. Kingcade & Garcia PA dba Kingcade; Garcia & McMaken; Timothy S. Kingcade (Southern District of Florida)
The plaintiff, a paralegal, claims that the defendants, law firms and lawyers, failed to pay her overtime wages in violation of the federal Fair Labor Standards Act. The plaintiff also claims that the defendants failed to pay her for her time away from work when she had to self-quarantine because she had tested positive for COVID-19. The plaintiff’s job duties involved interviewing the firm’s clients, reviewing relevant documents, and preparing bankruptcy petitions. With respect to the overtime claim, the plaintiff claims that she was paid $50 per petition or case that she handled (and that she was not paid anything for petitions that clients did not sign). The plaintiff reportedly worked between 60 and 70 hours per week, but was not paid overtime wages. With respect to her COVID-19 claim, the plaintiff alleges that she tested positive for the virus and was advised by a physician to self-quarantine. After 10 days, the plaintiff tested negative, but continued to experience symptoms. She claims that she was told that she needed to come to work and not work remotely. The plaintiff claims that her employer’s actions violated the Emergency Paid Sick Leave Act, entitling her to litigation expenses and costs, liquidated damages, attorney fees and other relief.

July 29, 2020
Pacheco v. Yorkshire Building Services Inc. (Southern District of Florida)
The plaintiff worked as a janitor and cleaning employee for the defendant, “a provider of building maintenance, janitorial, and cleaning services to commercial accounts.” The plaintiff alleges that despite being asymptomatic, he obtained a COVID-19 test because he had a newborn child. The plaintiff claims that he tested positive for COVID-19. The plaintiff informed his supervisor of his test results, and was directed to self-quarantine. Following his quarantine, the plaintiff alleges that his second COVID-19 test was negative. The plaintiff alleges that prior to his negative test results, and while still asymptomatic, he was terminated. He claims that his supervisor “stated that the Defendant did not want him anymore.” The plaintiff alleges that his termination violated the FMLA and the FFCRA. Wholly unrelated to the plaintiff’s COVID-19 allegations, the plaintiff also brings a wage and hour collective action under the FLSA for unpaid overtime. The plaintiff alleges that in those weeks in which he
“worked many overtime hours, he was paid for all his hours, but at his regular rate,” rather than the mandatory 1.5 times his regular rate. Based on his allegations, the plaintiff brings a putative collective action on behalf of “all other current and former employees...who worked in excess of forty (40) hours during one or more weeks...without being compensated ‘at a rate not less than one and a half times the regular rate at which he is employed.’"

**July 18, 2020**

*McPhee v. Nations Client Resolution, LLC* (Southern District of Florida)

The plaintiff, who identifies herself as “an exceptional employee” with “no significant history of performance, attendance, or disciplinary issues,” alleges that she was terminated in violation of the Emergency Paid Sick Leave Act (part of the Families First Coronavirus Response Act (FFCRA)). The plaintiff alleges that after she requested leave to care for her grandfather, who had tested positive for COVID-19, her employment was terminated. The plaintiff alleges that she was discriminated against for requesting the leave, and that the defendant failed to pay her eighty hours of paid leave under the EPSLA. The plaintiff alleges that the temporal proximity of the request and the termination of her employment create a presumption of the defendant’s retaliation “for attempting to exercise her rights under the [EPSLA].”

**July 17, 2020**


The plaintiffs, state employees of the New York Department of Labor, allege that they were denied appropriate overtime pay in violation of the Fair Labor Standards Act and New York law. The plaintiffs allege that “the spread of coronavirus throughout New York and the United States led to the massive increase in claims for benefits and [unemployment insurance] by individuals and business owners facing unemployment and economic strain.” As such, the plaintiffs claim that during the course of the COVID-19 pandemic, “various New York State Executive Branch agencies (including, but not limited to, the [New York Department of Labor]) began offering overtime compensation opportunities to their employees … to assist the DOL with the massive increase in claims for benefits and Unemployment Insurance.” The complaint alleges that employees were required to work at least 15 hours of overtime beginning in May, and 7.5 hours of overtime per week in July. The plaintiffs claim that their overtime rate was improperly “computed using a lower rate than their regular hourly rate,” in violation of the FLSA and New York law.

**July 9, 2020**

*Mackie v. Coconut Joe’s IOP LLC, et al.* (District of South Carolina)

The plaintiff, a former server, alleges his termination violated the FFCRA. In addition, he brings a putative FLSA collective action, claiming that the defendants violated the law’s minimum wage provisions. Pre-COVID 19, the plaintiff was a server at the defendants’ restaurant, which temporarily closed on March 18, 2020. When the restaurant re-opened on May 4, the plaintiff was told to work as a fry cook. The plaintiff claims that he is missing his paycheck (and his portion of a “tip pool”) for the period of May 4 to May 10. The plaintiff alleges that the restaurant did not follow rules for structuring a tip pool that would let it pay less than minimum wage to tipped employees. He claims that the restaurant required tipped employees to share their tips with kitchen employees in violation of the FLSA. The plaintiff, for himself and others, requests collective action
June 25, 2020

*Entrekin, et al. v. City of Shreveport, et al.* (Caddo Parish, Louisiana)

In this class action filed on behalf of all police officers for the City of Shreveport, the complaint alleges that the defendant employer failed to provide compensatory time off owed to the officers. The complaint alleges that in response to the COVID-19 pandemic, Shreveport City Hall “was officially closed to the public and therefore officially closed.” The complaint also claims that a police department general order dictates that employees reporting for duty at a time when City Hall is closed are to receive compensatory time off. However, the complaint alleges that the police chief “erroneously stated . . . that the pandemic did not meet the prescribed criteria of [the order] and officers would not receive premium pay for their required services at this time.” The complaint also alleges that certain officers received compensatory time off, but others did not. The complaint seeks compensatory relief for the time off not yet awarded, and an order declaring that officers are entitled to compensatory time off pertaining to work during the COVID-19 pandemic.

June 22, 2020

*Tavarez v. Executive Airlink, Inc.* (Palm Beach County, Florida)

The plaintiff, an airline pilot who was employed by the defendant pursuant to an employment agreement, filed a four-count complaint against his former employer. The plaintiff alleged that he was terminated in violation of the Florida private whistleblower statute, and that the defendant violated the Florida Minimum Wage Law, failed to pay him wages even though it was put on notice of such failure, and breached his employment agreement. The plaintiff alleges that on three occasions, he was instructed by the defendant to fly airplanes with an inoperative standby horizon, in violation of federal regulations. The plaintiff alleges that on each occasion, he emailed the defendant to inquire whether the defendant was in compliance with federal regulations but received no response. After the defendant first failed to pay him the wages required by his employment contract, the defendant then terminated his employment, citing COVID-19 and the economic impact on the defendant. According to the plaintiff, this was impermissible under the terms of his employment agreement.

June 19, 2020

*Doe, et al. v. North Pacific Seafoods, Inc., et al.* (San Francisco County, California)

The plaintiff, a seasonal worker, alleges a putative class action complaint certification, reinstatement, retained tips, unpaid minimum wages, liquidated damages, and attorney fees. The plaintiff also says that on May 12 he “started have difficulty breathing.” Management told him to get back to work. The plaintiff reported he could not catch his breath and thought he could have COVID-19. He told a manager that he was going to see a doctor and was not quitting, and then left work. A manager allegedly texted the plaintiff to say that employer interpreted his action as a resignation because he left without permission. On May 13, the plaintiff texted the employer a picture of a doctor’s note showing the diagnosis of a “panic attack.” The plaintiff claims that he engaged in “protected activity under the FLSA's anti-retaliation provision when he left work to seek a medical diagnosis because he was experiencing COVID-19 symptoms.” The plaintiff requests compensatory and emotion damages related to his allegedly retaliatory discharge.
against the defendant employer, a seafood processor, claiming various violations of the California Labor Code as well as false imprisonment of the putative class members. The plaintiff alleges that the defendant arranged for her and other seasonal workers to travel to Los Angeles, from around Southern California and several states in Mexico, to fill out employment paperwork and to be tested for COVID-19. The plaintiff alleges that while in Los Angeles, she and the putative class were kept in close proximity while filing out employment paperwork, in violation of social distancing guidelines mandated by the city. Further, the plaintiff claims that she and the putative class members were confined to their hotel rooms against their will while awaiting the results of the COVID-19 test, and, after several individuals tested positive, the putative class members were further confined against their will for another 11 days. The plaintiff alleges that she was not paid during this time, that she was only given two meals per day, and that she was prevented from leaving her hotel room for the duration. Based upon these allegations, the plaintiff claims that the defendant not only violated the California Labor Code by failing to pay her any wages during this confinement, but that she was prevented from obtaining other work as a result of the defendant employer's tortious conduct of falsely imprisoning her and the putative class. The plaintiff seeks wages for the entire time of confinement, including overtime, as well as damages for emotional distress arising out of the alleged false imprisonment.

June 17, 2020
James Richard v. Ambulnz Health, LLC and Ambulnz TN, LLC (County of Kings, New York)
The plaintiff, a resident of Tennessee, brought a wage and hour class action on behalf of a putative class of EMTs and paramedics who were deployed to New York City to work on COVID-19 Strike Teams. The plaintiff alleges that he was promised he would be paid seven days a week, 24 hours a day during his employment. The plaintiff also claims that he and the class actually were employed 24 hours per day, because when their shifts were over, they had to take the employers' transportation to the hotel, could not leave the hotel when not working, and were required to carry controlled substances at all times, rendering him on-duty all day long – but the plaintiff alleges that they were not paid for all of their work. Finally, the plaintiff claims that the defendant had security guards at the hotel, enforcing its rule against leaving the hotel. The plaintiff brings claims for unpaid overtime wages, unpaid spread hours under New York law, failure to provide accurate wage statements, failure to provide wage notices and failure to pay weekly wages.

June 16, 2020
Rodriguez v. Allen Distribution LP (Eastern District of California)
The plaintiff filed a wage and hour class action under the FLSA and California law alleging that he and members of a putative class are victims of pay increases that the defendant instituted to induce employees to work during the COVID-19 pandemic. The plaintiff alleges that he and the other employees were promised an additional $1 per hour for straight time, plus $2 per hour for all hours worked beyond eight in any day or 40 in any week, and an additional $2 an hour for any hour worked beyond 12 in any workday. The plaintiff alleges that these payments amount to shift differentials and that the defendant did not properly calculate the regular rate of pay reflecting these increases. The plaintiff asserts claims for
June 15, 2020

Smith, et al. v. Local Cantina, LLC, et al. (Southern District of Ohio)
The plaintiff brings a class action lawsuit on behalf of all servers and bartenders at nine restaurants operated by the defendants. The plaintiff alleges that prior to May 2020, the defendants paid their tipped workers the minimum wage minus the maximum allowable tip credit. The plaintiff alleges that since May 2020, the defendants have retained 100 percent of the credit card tips received by tipped workers and have forced the tipped workers to share cash tips with other employees who are ineligible to participate in the tip pool. Further, the plaintiff alleges that since May 2020, the defendants have required the tipped workers to work more than forty hours per week, but have not paid the tipped workers overtime for these additional hours. The plaintiff alleges that the defendants' new pay policy is designed to maximize the amount of money that may be treated as forgivable under a Paycheck Protection Program loan the defendants received due to the COVID-19 pandemic. The plaintiff alleges that under the new policy, the tipped workers receive more money in the form of wages but are deprived of their tips, which are retained by the defendants, and that the defendants seek to compensate the employees using one hundred percent forgivable PPP loan money. The plaintiff brings claims for failure to pay minimum wages under the Fair Labor Standards Act (FLSA) and the Ohio Constitution, failure to pay overtime wages under the FLSA and the Ohio Constitution, untimely payment of wages under Ohio law, and unjust enrichment.

June 2, 2020

Sparks et al. v. Janet Mills, Governor of the State of Maine, et al. (District of Maine)
The plaintiff brings this class action for declaratory and injunctive relief on behalf of incarcerated prisoners employed in the community under a work release program. The plaintiff alleges that in response to the COVID-19 pandemic, the work release program “was brought to a halt in an effort to reduce non-essential contact between incarcerated individuals and the outside world and to reduce the possibility of COVID-19 spreading through Maine’s prisons.” The complaint alleges that prison officials encouraged the prisoners to seek unemployment benefits, and that 53 of them “were ultimately deemed eligible for unemployment benefits, including the standard state benefit and the federal Pandemic Unemployment Assistance (‘PUA’) payment.” Despite the attorney general’s determination that the prisoners were entitled to unemployment compensation, the governor “found the distribution of unemployment benefits ‘appalling and to be bad public policy,’” and that “unemployment funds should be reserved for Mainers ‘struggling to pay for basic necessities.’” The complaint alleges that the prisoners’ unemployment payments have ceased, and that the Department of Corrections and its commissioner “have seized funds from the bank and phone accounts of Work Release Program participants in an effort to recoup the unemployment benefits those individuals received.” The complaint raises claims for violation of due process under the Fourteenth Amendment, and seeks a declaration that the cessation of unemployment payments and
seizure of funds are unconstitutional, and an injunction compelling the return of the funds and the resumption of unemployment payments.

May 26, 2020

*Lange v. 24-Hour Medical Staffing Services LLC* (Orange County, California)

The plaintiff, a “traveling nurse,” filed a class action complaint against the defendant employer, a medical staffing company, asserting sundry violations of the California Labor Code as well as claims for unfair competition and unlawful business practices. The complaint alleges that the defendant violated the California Business and Professions Code not only by violating the California wage and hour law, but also by failing to provide protective equipment necessary for a safe workplace in light of the COVID-19 pandemic. The plaintiff alleges that although she worked directly with COVID-19 patients, the defendant employer did not provide her with appropriate PPE. The plaintiff alleges that after she complained, the defendant employer did not renew her contract. While the factual allegations consist largely of general COVID-19 facts and statistics, the claims alleged are primarily California wage and hour violations, including failure to pay overtime wages, failure to provide meal and rest breaks, failure to provide accurate wage statements, and failure to pay wages owed at termination.

May 19, 2020

*Sean Almeida v. Heated Details, Inc., Adrianna Lower Stephenson, Thomas Stephenson, and Chris Mika* (State of Washington Superior Court)

The plaintiff pleads the defendants’ “willful refusal to pay him his wages and other compensation due under Washington and wage theft law” and his “wrongful discharge in violation of public policy.” Early in his employment, the plaintiff reportedly “was required to purchase certain products in order to perform the duties Heated Details required him to perform,” but was denied reimbursement then and on a continual basis. The plaintiff claims that the defendants “routinely failed to provide Plaintiff with a paystub or other basic payroll information,” and repeatedly failed to timely pay him wages owed, citing “cash-flow problems.” The plaintiff claims that, in mid-March 2020, he was notified that the defendants would not timely pay compensation owed, and that he should “seek unemployment benefits as per Washington State’s response to the COVID-19 outbreak.” The plaintiff reportedly took the position that the alleged wage nonpayment “preceded the outbreak and that applying for unemployment based on COVID-19 did not seem appropriate.” The plaintiff claims that in a conversation with his employer’s owner she indicated that she did not know when wages allegedly due would be paid, and that she did not commit to reimbursing him for allegedly due “unreimbursed business expenses.” According to the plaintiff, the defendants then threatened him with litigation when he sought unemployment benefits related to a COVID-19 layoff and closure. The plaintiff seeks allegedly due wages, exemplary damages, attorney fees, and other damages.

May 13, 2020

*Kenneth England, on behalf of himself and all others similarly situated, v. United Airlines Inc.* (Northern District of Illinois)

In this putative class-based contract action, the plaintiff, a shift manager
at the company’s hub at Chicago O’Hare International Airport, claims that in exchange for federal paycheck protection funds, the airline agreed “it would not require any employee to take a temporary suspension or unpaid leave for any reason, it would not reduce the pay rate of any employee earning a salary or wages, and it would not reduce the benefits of any employee, until September 30, 2020.” Per plaintiff, two weeks after signing the agreement to receive PPP funds, the airline advised management and administration employees that they need to take 20 unpaid days off under the airline’s Unpaid Time Off Program, between May 16, 2020, and Sept. 30, 2020. The plaintiff asserts that the airline communicated via electronic mail that the CARES Act assistance “only covers a part of [the airline’s] payroll costs.” The plaintiff seeks compensatory and other damages for himself and the putative class, costs, interest, and attorney and expert fees.

May 7, 2020
Evans, et al. v. Dart, et al. (Northern District of Illinois)
Plaintiffs, correctional officers working for Cook County, Illinois, assert a hybrid class and collective action under the Fair Labor Standards Act (FLSA) and the Illinois Wage Payment and Collection Act (IWPCA). Plaintiffs allege that the county failed to pay them regular or overtime wages for the time they spent at the beginning and end of their shifts sanitizing themselves, their uniforms, and their personal protective equipment, all of which was required in response to the COVID-19 pandemic. Plaintiffs allege that these activities, which were uncompensated, took approximately 20-30 minutes each shift.

May 5, 2020
McGhee v. Postmates Inc. (San Francisco County, California)
Corbin v. DoorDash, Inc. (San Francisco County, California)
Class action complaints brought by the same attorneys on behalf of all gig economy workers working for defendants in the state of California, alleging that defendant violated California AB 5 by misclassifying gig economy workers as independent contractors. The complaints allege that the plaintiffs and putative class members were therefore denied, among other things, reimbursement for expenses (including masks and hand sanitizer), and denied payment for all time worked (including time spent procuring masks and hand sanitizer). These virtually identical class action complaints allege in great detail the extent of the COVID-19 pandemic, including the nature of California’s response, as well as the safety guidelines issued by the state and federal agencies. The complaints go on to allege that the defendants failed to protect these gig economy workers by failing to mandate safe practices in light of COVID-19. As a result, in addition to wage and hour California class action claims derived from defendants’ response to COVID-19, each complaint also asserts class claims for public nuisance.

April 24, 2020
Ferrante v. Ratner Companies (Broward County Circuit Court) (See related case, Olsen v. Ratner Companies dba Hair Cuttery, et al.)
Class action complaint alleging that hair salons ceased operations due to the COVID-19 pandemic, and that the closing occurred during a pay period. The plaintiffs allege that they were not paid for hours already worked during the pay period prior to the salons closing.

April 23, 2020
Mabry v. Texas South Operating Company Inc. and Michael J Maye (Harris County District Court)
Plaintiff alleges a variety of claims under the Texas Labor Code and Texas common law related to failure to pay for work performed prior to being laid off due to the COVID-19 pandemic. Plaintiff claims she is owed approximately $70,000 for work done prior to her layoff.

April 21, 2020
Hand v. Carolina Scales, Inc. (Lexington County, South Carolina)
Plaintiff alleges that her employer failed to pay regular, overtime, and sick time wages owed to her under the South Carolina Payment of Wages Act, the Fair Labor Standards Act, and the Emergency Paid Sick Leave Act (part of the Families First Coronavirus Response Act (FFCRA)). Plaintiff asserts that her employer refused to allow her to return to work because she was infected with what her doctors believe is COVID-19, and she cannot obtain a test demonstrating that she is no longer infected. As a result, she states that she has been constructively terminated and is owed back wages for overtime previously worked, as well as for the time she was required to self-quarantine.

April 16, 2020
Carcamo v. CMC Contractors, LLC (Miami-Dade County Circuit Court)
Plaintiff alleges that he has not been given termination pay to which he is entitled under an employment contract. Plaintiff alleges that he was first told he was being terminated "due to limited work during the [COVID-19 pandemic]," but that his employer later claimed he had been terminated for cause. Plaintiff alleges that the employer provided false reasons for his termination, and that the reasons given to not meet the employment contract's definition of "cause."

April 7, 2020
Olsen v. Ratner Companies dba Hair Cuttery, et al. (District of New Jersey)
Class action complaint alleging that hair salons ceased operations due to the COVID-19 pandemic, and that the closing occurred during a pay period. The plaintiffs allege that they were not paid for hours already worked during the pay period prior to the salons closing.

Family and Medical Leave Act
January 4, 2021
Susan Minalla v. First Service Residential Florida, Inc. (Southern District of Florida)
The plaintiff, a former assistant property manager, alleges the defendant retaliated against her by terminating her employment after she suffered from COVID-19 symptoms. On July 4, the plaintiff contacted her immediate supervisor to notify him that she had a high fever, body aches, and fatigue, and that she was scheduled to be tested for COVID-19 on July 6. The plaintiff claims her supervisor directed her to stay home until she received the results of her COVID-19 test. The plaintiff took the COVID-19 test on July 6 and alleges her practitioner told her that her symptoms were consistent with COVID-19 and that she should quarantine while awaiting her test results. The plaintiff claims she immediately informed her supervisor that she had taken the test, and kept her supervisor informed from July 7-17 while her fever persisted and she
continued to await test results. On July 18, the plaintiff took another
COVID-19 test. On July 23, the plaintiff claims her test results were
negative but she was still experiencing COVID-19 symptoms. The plaintiff
alleges her human resources officer told her that she must be fever-free
for 72 hours before she could return to work. From July 23-30, the plaintiff
claims she was still suffering from a high fever and that she notified her
supervisor. The plaintiff claims she attended a telephone conference on
July 30 with the defendant’s senior level employees, who advised her that
her position had been eliminated and that she was terminated. However,
the plaintiff claims that her position was not eliminated, but instead filled
by another employee. The plaintiff filed a two-count complaint alleging the
defendant violated her FMLA rights.

December 30, 2020
Higgins v. Petticoat-Schmitt Civil Contractors, Inc. (Middle District of
Florida)
The plaintiff, a project manager, filed suit against his former employer, a
construction company, for alleged violation of the FFCRA and EPSLA.
The plaintiff alleges that in early December 2020, he tested positive for
COVID-19 and his healthcare provider advised him to self-quarantine for
10 days. The plaintiff alleges that he provided a note to the defendant
from his healthcare provider and thus requested and took 10 days of paid
sick leave. Upon the conclusion of his 10-day quarantine, the plaintiff
tested negative for COVID-19 but alleges that he was still symptomatic.
The plaintiff claims he provided the defendant with another note from his
healthcare provider, stating that he should remain away from work until
his symptoms subsided. Several days later, the plaintiff alleges that the
defendant terminated him. The plaintiff believes that he was terminated
because he had taken too much time off while suffering from COVID-19.
Based upon these allegations, the plaintiff claims that the defendants
retaliated against him in violation of the FFCRA and EPSLA.

December 29, 2020
Jana Shaffer v. Burgers of Baltimore LLC (Hartford County, Maryland)
The plaintiff was an assistant general manager for an owner of
“franchises that provide fast-food in the quick-service restaurant industry.”
The plaintiff alleges that her daughter developed a fever on March 23 but
was unable to obtain a COVID-19 test, and that her physician
recommended the family quarantine for two weeks. The plaintiff claims
that the defendant’s principal insisted that she quarantine, but that on
April 1 she was informed that she was being laid off. That same day,
FFCRA was enacted. On April 18, the plaintiff alerted the defendant to
her eligibility for leave under the FFCRA, and the defendant granted her
FFCRA leave “going forward.” However, the defendant did not pay the
plaintiff for her April 1-18 leave “pursuant to the FFCRA.” On April 26, the
plaintiff and the defendant agreed that the plaintiff could take paid time off
for two weeks, followed by ten weeks of leave under the EFMLEA at two
thirds pay, with the plaintiff returning to work on July 11. The plaintiff
alleges she was assigned to a different location from her pre-leave
assignment, with less authority, and was only offered a late-night closing
shift. Due to her purported anxiety about starting at a new location with
new staff “while adapting to the new pandemic-related risks, restrictions
and precautions,” the plaintiff did not report to work on July 13, and from
July 13-17 exchanged emails with the defendant’s owner, who insisted
that she “had no choice but to report to the [new] location.” The plaintiff
alleges that the defendant “chose to terminate [her] and unilaterally designate her a ‘voluntary quit.’” The plaintiff brings a claim under the FFCRA and EFMLEA for the defendant’s alleged failure to restore her to her prior position.

December 28, 2020
Larue v. Diamond Environmental Services, LP, et al. (Orange County, California)
The plaintiff, a former pickup and delivery driver for a portable restroom provider, filed a complaint against his employer for wrongful discharge and retaliation under state law. The plaintiff alleges that he repeatedly complained to the defendant that he had been improperly paid. The plaintiff alleges that he “was having child care issues due to COVID-19,” and that when he requested time off work under the FFCRA to care for his children, the defendant terminated his employment. The plaintiff claims that the defendant violated state public policy, retaliated against the plaintiff for complaining about violations of the California Labor Code and FFCRA, and caused the plaintiff emotional distress. The plaintiff seeks an unspecified award of compensatory and liquidated damages, interest, and attorneys’ fees and costs.

Gibbs v. NSK Corporation (Southern District of Indiana)
According to the plaintiff, a machine operator, “as a result of the COVID-19 pandemic, [the defendant] furloughed employees.” The plaintiff alleges that around May 29, he was told to report back to work the following week. The plaintiff claims that he asked about safety protocols and accommodations given the COVID-19 pandemic, to which he did not immediately receive a response, but was told by HR that he was not eligible for FMLA leave. The plaintiff alleges that he was eventually referred to his employer’s FMLA administrator and told that he needed to apply for FMLA leave for child care and because of his own health conditions (a collapsed lung and stage 1 hypertension). The plaintiff claims that he submitted an application for FMLA leave and called into work each day to report his absences under the FMLA. Despite his pending application, the plaintiff’s employment was terminated, purportedly for being a “no call, no show.” The plaintiff alleges that by terminating him, his employer interfered with his right to take FMLA leave and retaliated against him for exercising his FMLA rights.

December 22, 2020
Randi Metsch-Ampel v. Board of Education of Glen Rock (District of New Jersey)
The plaintiff, a teacher, alleges the defendant retaliated against her and unlawfully denied her requests for an accommodation. In July 2019, the plaintiff, a cancer survivor, was diagnosed with arteriosclerosis. On Aug. 5, the plaintiff claims her primary care physician advised that based upon her medical condition and history, she was high-risk and must refrain from in-person instruction due to COVID-19. That same day, the plaintiff requested a remote work accommodation, in keeping with her physician’s instruction. The plaintiff alleges the defendant denied her requested accommodation on Aug. 18. On Aug. 28, the plaintiff applied for sick leave, pursuant to the FFCRA and the FMLA, and on Sept. 3 the defendant denied the plaintiff’s FMLA leave. The plaintiff claims that after her FMLA leave was denied, she asked to use her accrued sick days, but the defendant denied that request as well. On Sept. 7, the plaintiff claims her physician advised her that she must “self-quarantine from settings
that do not adhere to [the physician’s] specified recommendations,” due to the plaintiff’s susceptibility to COVID-19. On Sept. 11, the defendant denied her FFCRA leave, her FMLA leave, and the use of accrued sick days. The plaintiff claims she was further notified that she would not be receiving a paycheck, and that any continued absences would be unauthorized. The plaintiff claims that the defendant once again denied her multiple requests on Sept. 15. The plaintiff claims she has been without pay and placed on an unauthorized leave of absence since Sept. 8, and that she had been “taken off of her employer-provided medical care” as of Oct. 1. The plaintiff filed a three-count complaint alleging the defendant unlawfully interfered with her FFCRA rights, FMLA rights, and the New Jersey Sick Days Statute.

December 21, 2020
Sonja Tate v. Health Federation of Philadelphia (Eastern District of Pennsylvania)
The plaintiff, a former data migration specialist, alleges that she was unlawfully terminated from her employment after she exercised her FFCRA rights during the COVID-19 pandemic. The plaintiff alleges that from May to July 2020, she was unable to work because her children’s schools were closed for in-person instruction due to COVID-19. The plaintiff alleges that, pursuant to the FFCRA, she took a leave of absence in order to care for her children while they engaged in remote learning. The plaintiff alleges that she returned to work on July 16 and that upon her return, the defendant “commenced a campaign of retaliation against the plaintiff because of her use of FFCRA leave.” The plaintiff alleges that the retaliation included being subjected to unfair criticism and unwarranted negative email correspondence from supervisors and co-workers, as well as harassment by others in the workplace. In September, the plaintiff alleges that she filed a complaint with human resources. On Sept. 10, the plaintiff alleges that the defendant suspended her employment due to an alleged incident of harassment between the plaintiff and her co-worker. On Sept. 17, the plaintiff alleges that the defendant terminated her employment. The plaintiff alleges that she was terminated “because of a completely fabricated instance of ‘harassment’ on a date that the plaintiff was not even present in the workplace.” Rather, the plaintiff claims the defendant retaliated against her and terminated her because of her use of FFCRA leave.

December 18, 2020
Carrizales v. Carlex Glass America, LLC (Northern District of Indiana)
The plaintiff alleges that she worked for the defendant as a print operator until March 27, when the defendant shut down its plant due to COVID-19. On May 14, the defendant announced that it would return employees to work on May 18. The plaintiff claims that she informed the defendant that she had symptoms of COVID-19, and according to a doctor’s note she provided to the defendant, she would be able to return to work on May 28 if she had no fever for three days. The plaintiff asserts that on May 28, her doctor released her to return to work on May 31. However, the plaintiff contends that on May 30, the defendant terminated her for an alleged no-call no-show because she did not return to work on May 28. Following her discharge, the plaintiff sued the defendant for violating her rights under the FMLA.

December 17, 2020
Johnson v. Star Thermoplastic Alloys & Rubbers, Inc. (Northern District of Pennsylvania)
The plaintiff, a production operator, alleges that in August, his fiancée contracted COVID-19 and that his son’s middle school was closed due to COVID-19, requiring his son to learn remotely from home. The plaintiff alleges that because of the need to care for his sick fiancée and his minor child, he was ordered to self-quarantine. The plaintiff alleges that he filed for FFCRA leave with his employer, which was approved on September 18. The plaintiff alleges that on September 27, he was told to return to work, despite the fact that his FFCRA leave was not exhausted. The plaintiff alleges that when he returned to work, he discovered that another employee was doing his job even though the plaintiff “had the right to be restored to his position under the FFCRA.” The plaintiff alleges that his supervisor told him to sweep the floor. The plaintiff alleges that at the end of his shift, he met with human resources, who terminated the plaintiff’s employment, claiming he had “performance issues.” The plaintiff claims that his employer interfered with his rights to take EFMLEA and EPSLA leave, and that his employer retaliated against him for taking such leave.

Amanda Andrews v. S.P. Donuts, Inc., et al. (District Court of Rhode Island)
The plaintiff, a former cashier and assistant manager for the defendants, alleges she was unlawfully terminated after she requested family leave to take care of her children during the COVID-19 pandemic. The plaintiff alleges that her children’s daycare and school were closed in March due to the COVID-19 pandemic. On March 23, the plaintiff claims, she informed her supervisors that she may need to leave work at certain times to care for her children due to the childcare and school closures. The plaintiff alleges that her supervisors responded that they understood and stated, “[the plaintiff] got to do what [the plaintiff] got to do.” On April 3, the plaintiff alleges that she texted one of her supervisors to request family leave so that she could care for her children until childcare options were available. The plaintiff alleges that she received no response. The plaintiff alleges that unbeknownst to her, the supervisor she texted notified another supervisor that the plaintiff had quit. On April 5, the plaintiff claims, her supervisor sent her a text demanding that she return her uniform and keys. The plaintiff alleges that she texted the district manager on April 10, stating that she needed her job but was unable to work for a period of time due to daycare closures. The plaintiff alleges that the district manager stated the plaintiff had legally quit because she was physically able to work but chose not to. Based upon these allegations, the plaintiff claims that the defendant wrongfully terminated her in violation of the FCCRA, FMLA, and FLSA.

December 11, 2020
Hinton v. State Bank (Clay County, Iowa)
The plaintiff, a former customer service representative at a bank, filed a complaint against her employer for discrimination and retaliation under the FMLA. The plaintiff alleges that her employer required her, but not others among her co-workers, to adhere to its COVID-19 related quarantine protocols. The plaintiff alleges that when she complained about the discriminatory way the quarantine protocols were being enforced, and that her employer was not paying her paid leave under the FFCRA, her employer retaliated against her for her complaints by terminating her employment. The plaintiff seeks back pay, front pay, liquidated damages, attorneys’ fees, costs and interest.

December 10, 2020
Romans v. Wayne County Commission, et al. (Southern District of West Virginia)
The plaintiff worked as a clerk at the county sheriff’s office, and alleges that her employer terminated her in retaliation for taking FMLA leave and failed to provide her with a reasonable accommodation for her disability in violation of the West Virginia Human Rights Act. The plaintiff claims that she suffers from COPD, which places her at greater risk of becoming seriously ill if she contracted COVID-19. The plaintiff alleges that in March, she asked the defendant if she could work from home due to her underlying health issues, but that the defendant did not respond to this request for over seven months. The plaintiff further alleges that the defendant did not enforce the governor’s mask mandate at the office, and that her co-workers “derided” her for wearing a mask to work. The plaintiff claims she requested FMLA leave in July, based on her doctor’s advice to reduce contact with unmasked individuals, which was approved through October 28. The plaintiff claims that on October 26, the defendant finally responded to her March request to work for home, and denied it without providing a reason. The plaintiff claims that on October 29, her first day back from FMLA leave, she received a letter from the defendant notifying her that she had been terminated. The complaint does not allege whether the defendant gave a reason for the termination. The plaintiff alleges that the defendant terminated her in retaliation for taking FMLA leave and for asking that the defendant enforce the mask mandate, in violation of both the FMLA and public policy. The plaintiff also claims that the defendant discriminated against her by failing to offer her a reasonable accommodation of enforcing the mask mandate or allowing her to work from home, which she alleges violated the West Virginia Human Rights Act.

December 9, 2020
Rueda v. Ritmo Latino Corporation (Central District of California)
The plaintiff, a district manager at a wireless phone store, sued his employer for failure to reinstate him to his previous or similar position after returning from leave pursuant to the FMLA and EFMLEA, and for wrongful termination in violation of public policy. The plaintiff claims that he informed the defendant that he would need to take 12 weeks of leave, as provided for under the EFMLEA, to stay home and help his 15-year-old son with remote learning because his son’s school had closed in-person instruction due to COVID-19. According to the plaintiff, the defendant questioned whether the plaintiff’s son needed his father to be home with him during remote learning, but the defendant eventually approved the plaintiff’s leave request. A few days before returning to work, the plaintiff alleges his supervisor and HR representative informed him that the defendant had to make cut backs and reduce the number of district managers from four to three, and as a result, the plaintiff’s position was being eliminated. The plaintiff claims he was “surprised” to learn he had been terminated, since he had more seniority than two of the four district managers. Furthermore, the plaintiff alleges that the defendant did not offer him an equivalent position. The plaintiff claims that the defendant’s failure to reinstate him to his previous job or offer him an equivalent position violates the FMLA and EFMLEA, and that the defendant retaliated against him by terminating his position for taking leave, in violation of public policy.

December 1, 2020
Holley C. Gaines v. Copart, Inc. (Northern District of Mississippi)
The plaintiff, a customer service representative, alleges she was unlawfully terminated after she contracted COVID-19 in mid-July. On July 17, the plaintiff claims she informed her immediate supervisor that she had tested positive for COVID-19, and that with the defendant’s consent, she self-quarantined at her residence. The plaintiff claims that from July 17 to July 24, she continued to communicate with her supervisors about her health, contact tracing, and her eventual return to work. The plaintiff claims that her supervisor “repeatedly provided her with inaccurate, conflicting and confusing information regarding the company’s COVID-19 protocol” in order for her to return to work. On July 24, the plaintiff was terminated from her employment. The plaintiff claims the defendant’s provided no explanation for its decision to terminate her. The plaintiff claims she sought to appeal the termination, but was told that the decision was final. She then alleges she was terminated in retaliation for contracting COVID-19. The plaintiff filed a three-count complaint alleging her termination violated the FFCRA, the FMLA, and the EPSLA.

November 18, 2020
Brown v. Providence Health & Services (King County, Washington)
The plaintiff worked as a patient service representative in the breast cancer department, but the defendant occasionally asked her to fill in for other units. In March, the plaintiff and another employee emailed their manager and director and expressed their concerns about filling in on other units that had a high volume of traffic and thus higher COVID-19 related risks. According to the plaintiff, employees had been instructed “not to wear protective masks or gloves because it might ’scare patients.’” On May 6, the plaintiff’s manager asked her to work in a high traffic unit. The plaintiff responded that she did not want to work in that unit, especially without protective gear. The plaintiff’s manager put her on an immediate leave of absence. On May 7, the plaintiff went to her medical provider due to her alleged increased anxiety due to COVID-19. Sometime thereafter, the plaintiff filed for FMLA leave, and on June 1, the plaintiff’s medical provider filled out and submitted the appropriate paperwork. On June 9, the defendant terminated the plaintiff, and allegedly did not return her personal belongings or provide her the requisite COBRA notice. The plaintiff alleges that the defendant wrongfully discharged her in violation of public policy, including but not limited to the Washington Family Leave Act. The plaintiff also claims that the defendant’s refusal to provide her the requested leave and its subsequent termination of her employment violated the Washington Family Leave Act.

Laura Giering v. The Pennsylvania Cyber Charter School (Western District of Pennsylvania)
The plaintiff, a special education teacher, alleges that the defendants have refused to allow her to take time off to care for her own special needs children during COVID-19 related school closures. The plaintiff’s daughter was in fourth grade and the plaintiff’s son was in preschool, and both children have special needs that require a substantial amount of attention and assistance throughout the day. After March 13, both children were required to learn from home due to the COVID-19 pandemic, while the plaintiff was required to teach students online. On March 27, the plaintiff emailed the defendant’s chief academic officer, stating her concerns about teaching remotely while needing to provide instruction to her own children. On March 30, the plaintiff emailed another supervisor,
requesting leave under the FFCRA, but received an email stating, “based on the advice of legal counsel, it has been determined that we are not covered by the [FFCRA].” On April 29, the plaintiff returned the form request for Expanded Family and Medical Leave, and the defendant denied the plaintiff’s request that day. The plaintiff claims her need for leave continued into the 2020-2021 academic year, because her children are still required to learn from home, and her workload has increased because her roster of students rose significantly. On Oct. 13, the plaintiff submitted a second FFCRA request for the new school year, and claims she was entitled to the use of leave under the FFCRA, the EFMLA, and the EPSLA. The plaintiff alleges that the defendant’s failure to respond to the plaintiff’s concerns has resulted in the plaintiff not being able to simultaneously teach and supervise her own children while they try to learn remotely. The plaintiff claims the defendant’s actions are unlawful and violate the FLSA, FMLA, EFMLEA and the FFCRA.

November 13, 2020
Stark v. Lithia Motors, Inc. (Fresno County, California)
The plaintiff, a former sales desk manager for an automobile dealership, filed a complaint against his employer for FMLA and age discrimination, retaliation, interference with his exercise of FMLA rights, and wrongful discharge. The plaintiff alleges that due to an underlying disability, he sought FMLA leave during the COVID-19 pandemic at the recommendation of his physician. The plaintiff alleges that as he was “in the process of delivering the doctor’s note” to his employer when his employment was terminated. The plaintiff also claims that he was referred to as “old” by several co-workers. The plaintiff alleges violations of the FMLA and ADEA, and wrongful termination in violation of public policy favoring family leave for serious health or medical conditions. The plaintiff seeks lost earnings, punitive damages, liquidated damages, interest, unspecified injunctive relief, attorneys’ fees and costs.

November 12, 2020
Aaron Floyd v. Buffalo Trace Distillery, Inc. (Eastern District of Kentucky)
The plaintiff, a former employee of the defendant, alleges that the defendant wrongfully terminated him after he contracted COVID-19. Following potential exposure to COVID-19, the plaintiff applied for and was granted FMLA leave from March 23 to April 6. The plaintiff claims that during his leave, he was informed by the defendant that he would need a physicians’ certification to return to work. On or about April 5, the plaintiff scheduled a telehealth appointment with a physician for April 8 and contacted the defendant’s human resources manager to inform her of the appointment date. On April 8, the plaintiff’s physician cleared him to return to work. On April 9, the plaintiff claims he contacted the human resources manager again to inquire about his return to work date. The plaintiff claims the human resources manager advised the plaintiff that there had been no final decision on his return to work date. On or about April 13, the plaintiff was terminated. The plaintiff claims the defendant’s stated reason for termination was that the plaintiff failed to communicate with the company from April 6 to April 10, and accumulated three unexcused absences during that time, while the plaintiff alleges he was attempting to obtain a certification from his physician. The plaintiff alleges that his termination during the COVID-19 pandemic violated the FMLA.

November 8, 2020
Morris Marji v. Investments Management I, LLC dba Investments Limited
The plaintiff, a plumber, claims violations of the FMLA and FFCRA related to his termination after contracting COVID-19. Specifically, the plaintiff alleges that shortly after he was hired, he tested positive for COVID-19, and that he reported his positive test to the local health department. The same day he reported his test result to the health department, the plaintiff alleges that his employer called him and directed him not to return to work until he obtained a negative test. The plaintiff claims that while he awaited his second test result, he received a text message from his employer that he was terminated, without explanation. The plaintiff claims that his termination interfered with his rights under the FFCRA and FMLA because his employer denied him benefits that he was otherwise entitled to receive.

November 6, 2020
Brown v. Hartman and Tyner, Inc. (Eastern District of Michigan)
The plaintiff was a leasing agent for the defendant. She alleges that in March, the defendant sent her home as a result of the COVID-19 pandemic. She claims that on April 30, the defendant requested that she return to work, and she explained to the defendant that she could not return due to “her childcare responsibilities and concerns regarding [the governor's] orders [related to the pandemic].” She alleges that the defendant notified her that she would be terminated if she did not return to work on May 11. She claims that when she reiterated that she could not return, the defendant terminated her employment. She alleges that the defendant was aware that she had minor children in her care and was aware that she required leave for reasons related to COVID-19. She claims that nonetheless, the defendant did not notify her of her right to take leave under the FFCRA and never offered her leave under the FFCRA. She brings causes of action for failure to make required paid leave available under the EPSLA and interference with right to paid leave under the EFMLEA.

Alfonso Garcia v. Caribbean Parking Systems, Inc., et al. (Southern District of Florida)
The plaintiff, a former valet parking associate, alleges the defendants wrongfully terminated his employment due to his COVID-19 related medical leave request. The plaintiff claims that during the COVID-19 pandemic, he requested masks, gloves, and other protective gear from the defendants; however, the defendants ignored the request and did not provide any protective gear to the plaintiff. On or about July 4, the plaintiff began having COVID-19 related symptoms. In response, the plaintiff alleges that his manager told him to go home to quarantine and not to return to work until he tested negative for COVID-19. The plaintiff alleges that he asked to be paid during the time he had to spend in quarantine and asked his manager if he was still going to have his job upon testing negative. The defendants denied the plaintiff’s request for pay during quarantine, but advised the plaintiff that “his job was secure.” Around July 15, the plaintiff was notified that his COVID-19 test came back positive and he immediately notified his manager. In August 2020, the plaintiff took another COVID-19 test, which came back negative, and the plaintiff notified his manager that the plaintiff could return to work. The plaintiff alleges that his manager informed him that he had a new manager. When the plaintiff contacted his new manager, according to the plaintiff, the new manager offered him a job in a new location and insisted that the plaintiff would be transferred back to his original job a week later. However, the
plaintiff alleges that when he agreed to go back to work, the defendants terminated his employment. The plaintiff thus filed a two-count complaint alleging the defendants violated the FFCRA, the FMLA, the Emergency Family and Medical Leave Expansion Act (EFMLEA), and the Emergency Paid Sick Leave Act (EPSLA).

**November 5, 2020**

*Echegaray v. C.B. Kaupp & Sons, Inc., et al.* (Essex County, New Jersey)
The plaintiff, a former machinist for a sheet metal contractor, filed a complaint against her employer for wrongful termination and violations of the FMLA and state counterparts. The plaintiff alleges that she was the only female in her department and that she was often “treated differently” than male coworkers. The plaintiff alleges that her employer shut its doors for a month due to COVID-19, and at that time communicated to its employees that it considered lack of childcare as a COVID-19 related hardship and valid excuse for employees not to return to work. The plaintiff alleges that as her employer began to re-staff its shifts, she communicated her difficulty finding childcare and offered to return to work on reduced shifts. The plaintiff alleges that her employment was terminated without explanation, that she suffered retaliation for asserting her rights under the FMLA and state counterparts, and that she was denied FMLA eligibility notices, paid leave under the FFCRA, and unpaid vacation benefits. The plaintiff seeks an unspecified award of compensatory damages, liquidated damages, punitive damages, interest, attorneys’ fees and costs.

**November 4, 2020**

*Ashley Herbst v. NY State Office of General Services, et al.* (Albany County, New York)
The plaintiff, a former “Office Assistant 1, SG 6” and Civil Service Employees Association, Inc. member, alleges the defendants unlawfully terminated her employment when she requested a COVID-19 accommodation. The plaintiff alleges that upon being hired she was subject to a probationary work period for 52 weeks. On Dec. 8, 2019, the plaintiff received her first probationary evaluation, and in each of the categories she was rated as either “Very Good” or “Satisfactory.” After receiving her first probationary evaluation, the plaintiff alleges she made numerous requests for supervision and training in her job; however, the plaintiff’s requests were never met. Governor Cuomo’s “New York Pause” became effective on March 22, and during that time the plaintiff, a single mother, lost her child care due to the pandemic. During this time the plaintiff sought modification of her work schedule due to ongoing issues with her daycare options. On June 22, the plaintiff alleges that she emailed the human resources department to request such accommodations to her work schedule based on the disruptions caused by COVID-19. On or about July 7, a human resources representative advised the plaintiff that they had to review her request. On July 8, the plaintiff alleges that she received another evaluation stating that her performance was unsatisfactory and on that same day the plaintiff was terminated. The plaintiff alleges that the defendants claimed to terminate the plaintiff because her performance was unsatisfactory. The plaintiff alleges that she put in a request for an “exit interview” to learn why she was terminated, but the plaintiff’s supervisor denied this request. The plaintiff filed a two-count complaint alleging her termination violated the FFCRA and that the defendants’ alternating performance evaluations
November 2, 2020
Dangerfield v. Hobe Sound OPCO, LLC dba The Terrace at Hobe Sound (Southern District of Florida)
The plaintiff, a housekeeper, alleges that her employer interfered with her EFMLA leave and violated the EPSLA by terminating her employment in retaliation for taking paid sick leave. The plaintiff alleges that around May 25, the plaintiff “tested positive for COVID-19” “as a result of being exposed [at work].” The plaintiff alleges that she took a five week leave of absence under the EPSLA and the EFMLA, and that while she was on leave, her supervisor called “telling her that [her employer] was going to stop paying her because she had been out of work for too long.” The plaintiff alleges that she followed the instructions of the local health department and continued her quarantine until she returned to work in July. One week after returning to work, the plaintiff’s husband died and the plaintiff “requested time off so she could attend her husband’s funeral out-of-state.” The plaintiff alleges that her supervisor approved this request, but indicated that the plaintiff must call him when she was able to return to work. The plaintiff alleges that she notified her supervisor when she returned from her husband’s funeral in early August, but that he would not allow the plaintiff to return to work until she quarantined for 14 days and got tested for COVID-19. The plaintiff alleges that she received a negative COVID-19 test and informed her supervisor that she was ready to return to work. In response, the plaintiff’s supervisor told the plaintiff that “she has been fired” and “replaced” because she “missed too many days.”

October 30, 2020
Alix Rodriguez v. Accurate Painting of Northwest Florida Inc. (Northern District of Florida)
The plaintiff, a former full-time hourly painter at the defendant’s company, alleges she was unlawfully terminated after she tested positive for COVID-19. The plaintiff claims that on or about June 3, the plaintiff’s direct supervisor informed her that the owner of the company required her to take a COVID-19 test. The plaintiff took the test on June 4, and on June 7 the plaintiff was notified that she tested positive for COVID-19 and should continue to quarantine. The plaintiff immediately notified her direct supervisor that her test was positive. The plaintiff’s direct supervisor instructed the plaintiff to stay home, and informed her that she would receive “two weeks of salary.” On or about June 15, the plaintiff contacted one of her supervisors and asked him if she needed to take another COVID-19 test before returning to work on June 17. The plaintiff’s supervisor notified her that she no longer had work, and told the plaintiff to contact another supervisor. The plaintiff contacted her other supervisor who told the plaintiff, “[the] Owner said that you contracted COVID-19 at a party, and you transmitted the disease to other employees.” The plaintiff’s supervisor then stated that the plaintiff was terminated and would be paid two weeks of salary. However, instead of being paid for two weeks, the plaintiff was paid for only one week. The plaintiff filed a one-count complaint alleging her termination violated the FMLA.

October 29, 2020
Crystal Bickford v. Nutrien AG Solutions, Inc. (Eastern District of Michigan)
The plaintiff, a former administrative coordinator, alleges that the
defendant wrongfully discharged her due to her request to work from home during the COVID-19 pandemic. The plaintiff claims that in early 2020, she began to experience severe anxiety and panic attacks “due in large part to health concerns related to the COVID-19 pandemic and her co-workers and [the defendant’s] lack of safety and health precautions.” The plaintiff notified the defendant of her condition and requested to work from home. The plaintiff claims that her request was denied on the basis that it would require the defendant to permit others to work from home as well. Instead, the plaintiff was required to use FMLA leave. On April 3, the plaintiff applied for both FMLA leave and short term disability with the defendant’s third-party administrator. On May 1, the plaintiff’s request for short term disability was denied. On May 5, the defendant informed the plaintiff that her position had been eliminated at her employment location. On May 6, the plaintiff’s request for FMLA leave from March 23 to May 18 was approved. The plaintiff claims that the defendant was required by law to keep the plaintiff’s job available for her during the duration of the plaintiff’s FMLA leave. However, the defendant did not do so. After terminating the plaintiff, the defendant posted an administrative coordinator position at another location but did not offer the plaintiff this position. The defendant then posted an administrative coordinator position at the plaintiff’s former employment location, consisting largely of the same duties as the plaintiff’s former position. The defendant did not offer the plaintiff this position, either. The plaintiff filed a five-count complaint alleging that the defendant retaliated against her for taking protected medical leave under FMLA, and violated the plaintiff’s protections under Michigan’s Persons with Disabilities Civil Rights Act.

October 28, 2020
Amanda Fisher v. Norwalk Public Schools (District of Connecticut)
The plaintiff, a physical education and health teacher, alleges that the defendant unlawfully denied her request for a reasonable accommodation. The plaintiff suffers from asthma, which she alleges substantially impairs her in the major life activity of breathing and puts her at “high risk” of suffering serious illness or death if she contracts COVID-19. In March, the governor declared a state of emergency and issued an executive order cancelling classes at all public schools effective March 17 through June 2020. During that period, the plaintiff continued to teach students physical education and health remotely. On June 25, the governor announced that schools planned to reopen for in-person learning on Sept. 8. The plaintiff requested a telework accommodation due to her increased risk, and included a letter from her physician stating that she “is unable to use any face covering due to her asthma.” The defendant denied this request because creating a virtual position for the plaintiff’s role would require a substitute teacher to supervise the in-person classroom, which would create an undue hardship for the defendant due to the substitute staffing shortage throughout Connecticut. The plaintiff provided a second letter from her physician requesting that the plaintiff be granted a remote teaching accommodation due to COVID-19 concerns. The defendant denied the second request for a remote teaching position and instead offered a one-year, unpaid, special extended leave. The plaintiff sent a third request to the defendant on Aug. 18, which went unanswered. Six weeks after her third request, the plaintiff applied for FMLA leave, which the defendant approved. The plaintiff alleges that the defendant’s refusal to provide reasonable accommodation to telework violated the Rehabilitation Act of 1973 and has caused her to
October 26, 2020

Sarah Dorrel v. Developmental Center of the Ozarks (Greene County, Missouri)

The plaintiff worked as a physical therapist for the defendant, which “provides services to those with developmental disabilities.” The plaintiff’s son “suffers from Asperger’s syndrome, anxiety and panic attacks,” and she requested EFMLEA when his “school/childcare facility” was shut down due to the COVID-19 pandemic. Her leave was approved, and she took leave beginning June 15. She returned to work June 29, working 10 hours per week. The plaintiff claims that on July 15, she was notified that she would be permanently laid off Sept. 2, and that her position “was not eliminated,” but that “another therapist moved into [her] position.” She further alleges that the defendant “terminated [the plaintiff] on or about August 5, 2020 rather than allowing [her] to work until September 2.” The plaintiff brings one count of alleged FMLA/EFMLEA retaliation, asserting that the defendant retaliated against her “because she exercised her rights provided by the EFMLEA.”

October 23, 2020

Palma v. Caceres Interior Partitions, Inc., et al. (Southern District of Florida)

The plaintiff, a construction worker, alleges he was denied paid sick leave to which he was entitled under the FFCRA. The plaintiff claims that around June 24, he was notified that a person with whom he had been in contact tested positive for COVID-19. The plaintiff alleges he gave the defendant “express notice of [his] inability to work due to his exposure to COVID-19 symptoms and [the] need to seek [a] medical diagnoses.” As such, the plaintiff alleges that he “requested paid leave in order to seek diagnosis and to quarantine himself as required by the CDC guidelines.” The plaintiff alleges that he “was entitled to eighty (80) hours of paid sick leave” under the FFCRA. He claims that his employer failed to pay him during his quarantine, and that his employer “did not have a subjective or objective good faith basis for [its] actions.” The plaintiff claims he is entitled to paid sick time, liquidated damages, and reasonable attorney’s fee and costs.

October 21, 2020

Alexander v. Blackhawk Industrial, LLC (Northern District of Illinois)

The plaintiff worked for the defendant as a warehouse worker. He alleges that on March 13, he began experiencing symptoms of COVID-19 at work and reported them to his manager, who directed him to continue working rather than seek medical treatment. According to the plaintiff, his manager said that, if the plaintiff left work, “the whole shop [would] shut down” and his job would be in jeopardy. The plaintiff alleges that a few days later, he informed human resources that he would be seeking medical treatment. He asserts his doctor diagnosed him with COVID-19, and ordered him to self-quarantine for two weeks, returning to work on March 30. According to the plaintiff, he provided his doctor’s note to his employer and asked for assistance in applying for FMLA leave. The next day, the plaintiff claims the defendant terminated him in a reduction in force. The plaintiff claims he was the only employee terminated from his work location. The plaintiff sued his employer for interference with his FMLA rights, among other claims.
October 14, 2020

**Benino Guerrero v. Titan America LLC** (Manatee County, Florida)

The plaintiff alleged violations of the FLSA and FMLA by the defendant, a building materials company. The plaintiff worked as a plant supervisor starting in June 2016, and worked in this capacity until April 2020. Unrelated to COVID-19, he alleges he worked over 40 hours each week, and claims entitlement to unpaid overtime pay. The plaintiff claims that each day, he had to work three to four hours after clocking out to handle truck drivers’ scheduling changes or maintenance issues, using his company-assigned phone. The plaintiff claims that the defendant willfully and recklessly failed to pay him for all overtime hours that he worked, violating the FLSA. Separately, the plaintiff claims that he suffered a serious health condition under the FMLA on March 23 and was admitted to a hospital and released the next day. He reportedly suffered from a bacterial infection in the throat, and was referred to be tested for COVID-19. When the plaintiff notified the defendant, he was instructed to quarantine for 14 days. The plaintiff claims that the defendant knew that he qualified for FMLA leave, but failed to notify him of his right to take leave. The plaintiff claims that he was forced to resign after the defendant refused to allow him to return to work following his quarantine, thereby violating the FMLA. The plaintiff claims damages under the FLSA and FMLA, namely unpaid wages, overtime wages, benefits, liquidated damages, interest, fees and costs, and reinstatement.

October 13, 2020

**Sharletta Hall v. Interstate Hotels Corporation** (Eastern District of Michigan)

The plaintiff, a front desk associate and night auditor, claims violations under the FMLA, the Elliott-Larsen Civil Rights Act and the Michigan Whistleblower Protection Act based on her termination. Specifically, the plaintiff alleges that a guest called and informed her that he had tested positive for COVID-19. The plaintiff stated that she immediately informed her employer, who “expressed dissatisfaction with informing potential employees who were exposed because they would have to quarantine and could not work.” The plaintiff alleges that she then contacted OSHA and the county health department about the incident and her employer’s response. Around that same time, the plaintiff alleges that she submitted FMLA paperwork related to the upcoming birth of her child, as she was nine months pregnant. The plaintiff alleges that she was terminated eight days after she informed her employer of her need for FMLA leave, but before she could lawfully obtain FMLA protections. The plaintiff further alleges that after the birth of her child, she applied to an open front desk position with the defendant, but she did not receive a job offer despite being qualified for the position.

October 8, 2020

**Edna Purvey v. Arlington West Care Center Opco LLC** (District of Maryland)

The defendant, a nursing home and rehabilitation facility, employed the plaintiff in its laundry and housekeeping departments. The plaintiff reportedly suffers from lupus, chronic neuropathic pain, cervical disc disease and osteoarthritis. On March 9, the plaintiff submitted an FMLA certification form indicating that the plaintiff’s medical conditions would cause episodic flare-ups that would prevent her from performing her job
functions and would require her to be absent from work one to two times per month. On March 19, the plaintiff experienced flu-like symptoms at work and was transported by ambulance to a medical center where she was examined and administered a COVID-19 test. She was instructed by her health care providers to self-quarantine pending the test results and forwarded the defendant a note indicating that she could return to work after obtaining her test results. She claims that, on March 23, the defendant told her to provide a return-to-work slip by March 27 or her employment would be terminated, and that she called human resources on March 25 and 27 indicating that she was still awaiting test results. On March 27, human resources told her that, since she had not met the deadline for a return-to-work slip, she was terminated. Later on March 27, after she had been fired, the plaintiff was told by the medical center over the phone that she tested negative for COVID-19, and the results were mailed to her on March 30. She then faxed the written results to her doctor, who issued a return-to-work letter on April 8. The plaintiff claims that she should have been provided at least 15 days to provide documentation to her employer and, to the extent that she required more than 15 days, she acted in good faith to get written test results. The plaintiff claims FMLA interference and retaliation.

September 28, 2020
Evans v. City of Englewood, et al. (Bergen County, New Jersey)
The plaintiff, a single father who was employed as a laborer in the Department of Public Works, alleges that his employer violated the EFMLEA and the EPSLA. The plaintiff claims that on March 13, the plaintiff left work early because he felt sick with a cough and chest tightness. On March 19, the plaintiff called his doctor to report that he had a fever, and was prescribed oral antibiotics, but not tested for COVID-19. The plaintiff claims that although he was not tested, his medical providers instructed him "to stay home from work until he was symptom free for seventy-two hours." On April 28, the plaintiff claims he returned to work and was informed that he was paid "during his leave with his earned/accumulated sick time" and that he "had a negative sick day balance" that would be carried forward until he accrued additional sick time. At that time, the plaintiff advised his supervisor that he needed to be at home to care for his children, whose school was closed due to COVID-19. His supervisor advised him that "he would need to get someone to watch his children because he had exhausted his leave." The plaintiff alleges that he was also informed that any other days he was away from work would be taken without pay. The plaintiff alleges that under the law, he was not required to exhaust his other forms of leave prior to taking leave under the EPSLA and that he was denied his right to take either paid or unpaid leave under the EFMLEA.

September 23, 2020
Paul Stevens v. Saginaw Products Corporation a/k/a Cignys (Eastern District of Michigan)
The plaintiff, a welder, claims that the defendant, knowing that he and other employees had medical conditions and caregiver responsibilities due to COVID-19, failed to provide legally-required notice of the right to take leave and subsequently denied the right to paid leave. The plaintiff purports to bring a collective action for alleged violations of the EPSLA, which amended the FLSA to provide up to 80 hours of paid sick leave for those unable to work due to qualifying reasons. The plaintiff also alleges violations of the EFMLEA, which amended the FMLA to provide up to 12
weeks of protected, paid leave at two-thirds of the employee’s regular rate of pay if the employee is unable to work or telework due to having to care for their child because of a COVID-19 related school closure or otherwise unavailable childcare provider. The plaintiff, who has diabetes, has two school-aged children and was their sole caretaker during the workweek in the relevant time period. The plaintiff claims that the defendant, on notice of the plaintiff’s need for leave, taxed the plaintiff’s paid time off allocation before placing him on unpaid leave. Under the FLSA’s collective action provision, the plaintiff brings claims on behalf of a collective of potential opt-in plaintiffs, defined as those employees who requested or took leave for EPSLA-qualifying circumstances and who did not receive notice of their rights to request paid leave under the EPSLA. The plaintiff wants his EPSLA action to proceed as a collective action, with notice to potential members, and back pay wages (including unpaid overtime compensation and other wages), interest, liquidated damages, litigation costs, expenses, and fees, and other relief.

September 21, 2020

James Clark v. General Internal Medicine Group Inc.; INOVA Health Care Services (Fairfax County, Virginia)
The plaintiff, a physician assistant, alleges that the defendants sent staff multiple emails with PPE “recommendations contrary to CDC/WHO/[the defendant’s] guidelines.” He claims he responded to one such email and pointed out that the email was contrary to recommendations, but received no response. The plaintiff alleges that he received a fit-tested N95 mask, but that when the defendant experienced its first COVID-19 positive test, only he and one other employee had proper PPE. According to the complaint, the defendant forced a pregnant employee to meet with “patients suspected of having COVID-19,” despite not having proper PPE. When a patient tested positive, the plaintiff emailed the defendants, “advising [the defendants] that it was only a matter of time before [the plaintiff] and all his workers were exposed to COVID-19,” and “asked [the defendants] to provide an unambiguous policy explaining how exposed employees would be paid and what type of leave employees would be provided when [the defendants] exposed them to patients who tested positive for COVID-19.” The plaintiff repeated his inquiry on a conference call, but the defendants “refused to provide any answers.” Shortly thereafter, on March 13, the plaintiff was placed on administrative leave, but was given no explanation. On April 3, the plaintiff was advised that he was “being terminated without cause.” The plaintiff alleges FMLA discrimination and retaliation, claiming that his question about the type of leave the defendants would provide constituted FMLA-protected activity, and alleges that in response to his complaints and requests for PPE, the defendants retaliated against him in violation of Virginia law. He also claims wrongful termination in violation of public policy.

Jennifer Ingles v. All In One Inc. et al. (Orange County, California)
The plaintiff brings suit for claims of disability discrimination, retaliation, and wrongful termination. The plaintiff’s son was diagnosed with one functioning kidney, a heart defect, and DiGeorge syndrome, which requires special health care. During her employment with the defendants, the plaintiff alleges that she regularly took her son to doctor appointments or to the emergency room for symptoms related to his disorder. Each time the plaintiff missed work to care of her son, the plaintiff alleges that she used vacation or sick days. In February 2020, the plaintiff alleges that her son was taken to the emergency room due to respiratory problems
related to his condition. The plaintiff alleges that the hospital’s social worker advised the plaintiff to request leave under the FMLA, which the plaintiff did. The plaintiff states that the defendants requested to meet with the plaintiff prior to her return to work, during which the defendants informed the plaintiff that she was being terminated because of the company’s cuts to various departments due to COVID-19. The plaintiff alleges that she was the only person in her department that was terminated. The plaintiff claims that the defendants discriminated against her because of her association with a person with a disability, and for taking family and medical leave. Further, the plaintiff claims that the defendants retaliated against her for taking leave under FMLA by wrongfully terminating her employment.

*Leppo v. Environmental Design Group, LLC*, (Summit County, Ohio)

The plaintiffs, employees of the Akron and Cleveland, Ohio, offices of a professional planning and engineering service, bring in state court a claim for FMLA interference for taking COVID-19 related leave for child care. The plaintiffs allege that while out on leave, their employer advised them that their jobs were being eliminated “due to the economic impacts of COVID-19.” The plaintiffs allege that six of seven employees taking FFCRA leave were laid off, while employees who did not take leave were not laid off. The plaintiffs allege that their employer failed upon inquiry to show why the plaintiffs would have been terminated but for their protected leaves. The plaintiffs seek job reinstatement, unspecified lost wages and benefits, liquidated damages, attorneys’ fees, costs and interest.

*September 18, 2020*

*Atwood v. JCF Residences Management Company, LLC, et al.* (Middle District of Tennessee)

The plaintiff handled home design development for the defendants. She alleges that on March 16 her daughter’s school was canceled, and she informed the defendants that this would result in child care difficulties. The plaintiff claims that the defendants allowed her to work from home part of the time to assist with child care. She alleges that when her summer child care options were also canceled, she requested leave under the FFCRA, EPSLA and EFMLEA. The plaintiff claims that she provided the defendants with formal paperwork for the leave on May 25. She alleges that the defendants did not respond to her request, and instead provided her with a letter terminating her employment on June 4. The plaintiff claims that the defendants terminated her in retaliation for attempting to take leave and for working from home. She brings causes of action for EFMLEA interference, EFMLEA retaliatory discharge, EPSLA/FLSA minimum wage violations, EPSLA/FLSA retaliation, breach of contract, and promissory estoppel.

*Walton v. Wellspring Lutheran Services*, (Eastern District of Michigan)

The plaintiff, a “first response employee” of a senior living campus in Saginaw County, Michigan, alleges FMLA and state law claims when her employer allegedly required her to work despite her testing positive for COVID-19. The plaintiff alleges her employer assigned her to work in a memory care unit without “proper personal protective equipment,” required her to return to work from a leave she took due to her symptoms and positive test results, and terminated her employment for failure to return from leave. The plaintiff alleges that her positive diagnosis was a work-related injury under Michigan emergency executive orders, entitling her under the FMLA and state law to leave and job protection until three
September 17, 2020
Ascensio v. The Chef’s Warehouse, Inc., et al. (Southern District of New York)
The plaintiff, a porter, alleges unlawful interference with FMLA leave and disability discrimination in violation of New York law. The plaintiff claims that while at work on March 14, he “began to display COVID-19 like symptoms, including nausea, headache, and fever.” The plaintiff alleges that a manager saw him vomit, and told him to get tested for COVID-19. The plaintiff tested positive. A doctor at the hospital where the plaintiff was tested told him that he needed to quarantine for at least seven days, but likely longer. The plaintiff claims that on March 16, he informed the human resources department of his illness and his need for sick leave. The plaintiff was told to “take all the time he needed.” On March 23, the plaintiff alleges that a doctor at the same hospital told him to continue to quarantine for seven more days. The plaintiff claims he informed human resources of the doctor’s instructions the same day, and that the following day, he received a phone call from his manager who told him that his employment was terminated. The plaintiff claims his employer “interfered with, restrained, and denied [him] his rights under the FMLA,” and that he was “rendered disabled and unable to work due to his contraction of COVID-19” and was “intentionally discriminated against” because of his disability.

Haupert v. Roseville City School District, et al. (Placer County, California)
The plaintiff, who worked for the defendant school district as an instructional assistant, filed suit asserting various wrongful termination theories. In 2019, the plaintiff alleges that he requested time off to go on a cruise in February 2020. He was ultimately granted time off for Feb. 12-14, and alleges that he was told to call in sick for the four days after the President’s Day holiday. The plaintiff alleges that he did so, and he returned to work on Feb. 24. On March 4, the cruise line contacted him regarding potential COVID-19 exposure, and suggested that he self-quarantine for 14 days. The plaintiff alleges that he informed his employer and was directed to return to work as usual. When he arrived at work, however, the school nurse told him to return home. The plaintiff alleges that the defendant informed him that he had put the school at risk and accused him of misrepresenting his days off. The plaintiff claims he was not offered any benefits under the FFCRA before his employment was terminated. The plaintiff claims violation of the FFCRA as well as California disability law.

September 15, 2020
Laurie Batastini v. Prospect Charter Care Sjhsr LLC dba Fatima Hospital (District of Rhode Island)
The plaintiff, a nursing supervisor, claims violations under the FMLA and Rhode Island’s parental and family medical leave act. The plaintiff alleges that she was exposed to COVID-19 while working, and that she began suffering symptoms including fatigue, headaches, loss of appetite, muscle aches and cough. The plaintiff alleges that on April 3, she informed her employer about her symptoms and she was instructed to remain off work for three days. After that period, the plaintiff informed her employer that
her symptoms remained unchanged, and she was directed to remain off work for an additional seven days. The plaintiff alleges that she contacted her employer again after seven days to inform them that her symptoms remained unchanged and she was directed to remain off work until she was symptom free for three to four consecutive days. The plaintiff alleges that while she was off work, she remained in contact with her direct supervisor. The plaintiff claims that despite following her employer’s directive to remain off work until she was symptom free, she received a letter in the mail stating that her employment was terminated effective April 30. The plaintiff claims the letter erroneously stated that she had previously received a letter dated April 22 that directed her to contact her employer to discuss her status, which she alleges she did not receive. The plaintiff alleges that by failing or refusing to provide her a medical leave of absence, her employer interfered with or denied her statutory rights pursuant to the FMLA and the state law equivalent.

September 14, 2020
Ellis v. Pure Laboratories, LLC (Hillsborough County, Florida)
The plaintiff, an account manager, filed suit for violations of the FMLA and the FLSA. The plaintiff alleges that after testing positive for COVID-19, he requested protected FMLA leave so he could recover from the virus. The plaintiff states that after he made this request, his supervisor indicated that someone from the defendant’s benefits department would be in touch with him. However, the plaintiff claims that no one contacted him thereafter. Several weeks later, on the day that the plaintiff was cleared by his doctors to return to work, the plaintiff alleges that the defendant terminated him for unspecified “pretextual” reasons. The plaintiff thus claims that the defendant both interfered with his FMLA rights and retaliated against him for attempting to exercise his rights under the FMLA. Unrelated to his COVID-19 claims, the plaintiff further alleges, in conclusory fashion, that during his tenure, he worked more than 40 hours per week at “various” times, and the defendant failed to properly pay him at the overtime rate in violation of the FLSA.

Gholian v. University of Maryland Medical System Health Plans Inc. (District of Maryland)
The plaintiff was a registered nurse who worked for the defendant as a case manager. The plaintiff alleges that she applied for and received approval from the defendant to take leave under the EFMLEA because her children’s schools were closed due to COVID-19 and she needed to assist with their online education. As part of the agreement between the plaintiff and defendant, the plaintiff continued to telework on a part-time basis. The plaintiff alleges that on June 19, 2020 the defendant emailed the plaintiff stating that she had used 140 hours of the 400 hours available to her. On June 22, according to the plaintiff, a human resources representative called her, along with her supervisors, and terminated her employment because “it was not working out.” The plaintiff alleges that she was never told that she needed to return to work full time to avoid losing her job. The plaintiff claims that the defendant improperly terminated her in violation of the FMLA by not informing her that she needed to return to work full time or be terminated. The plaintiff also claims that the defendant terminated her in retaliation for taking EFMLEA leave.

September 11, 2020
Moritz v. Johnson County Imaging Center (Johnson County, Missouri)
The plaintiff, an ultrasonographer, brings suit alleging violation of the FFCRA. In May 2020, the plaintiff advised the defendant that she was looking for new work due to reduced hours. The plaintiff alleges that the defendant asked her to submit a letter providing two weeks’ notice, which the plaintiff agreed to give. On June 24, the plaintiff alleges that she accepted a job with a new employer. On June 26, the plaintiff called in sick to her then-current job with symptoms that eventually were diagnosed as COVID-19. The plaintiff alleges that she was ordered to quarantine. During this quarantine period, the plaintiff alleges that she did an internet search for how to write a resignation letter. The plaintiff claims that she completed the form incorrectly by stating that her resignation was effective on the date written rather than two weeks later. The plaintiff alleges that the next day she emailed the letter to the defendant. At the same time, the plaintiff alleges that she also let the defendant know about her positive COVID test, and requested FFCRA leave. The plaintiff alleges that the defendant notified her that she was no longer employed as a result of her resignation and was therefore not entitled to the paid sick leave. The plaintiff brings claims for failure to provide the FFCRA leave and a state law claim for her unpaid PTO.

September 10, 2020
Aberts v. George R. Norris, Inc. (District of Maryland)
The plaintiff, a diabetic mechanic and welder, alleges that the defendant interfered with his FMLA rights and that he was retaliated against for taking EFMLEA leave. The plaintiff vaguely alleges that he had a qualifying need related to the public health emergency because he had to care for a son or daughter whose school or place of care had been closed due to COVID-19. The defendant allegedly notified the plaintiff that he might be eligible for an additional leave period of 30 days, conditioned upon receiving additional medical documentation. A week later, the plaintiff claims he provided the defendant with a note from his doctor indicating that his medical conditions placed him at a high risk for contracting COVID-19 and that he should remain off work until the expiration of the 30-day period. The plaintiff alleges that prior to the expiration of the 30-day period, his employment was terminated due to having exhausted all 12 weeks of protected leave under the EFMLEA. The plaintiff alleges that the defendant failed to tell him that “30 business days” meant “30 calendar days,” and claims that if he needed to return sooner, he would have “returned to work despite the risk to his health and notwithstanding his doctor’s recommendation to avoid losing his job.” The plaintiff alleges that the defendant intended to use the plaintiff’s failure to return to work as a pretext to wrongfully terminate his employment, and that his termination was in retaliation for taking EFMLEA leave.

September 4, 2020
Rosario v. Barclay Brand Corporation, et al. (Middlesex County, New Jersey)
The plaintiff was a service administrator for the defendant. She alleges that in March 2020, she had a conversation with her supervisor and manager during which she explained that as a result of the COVID-19 pandemic, she anticipated having child care issues and would likely need to apply for FMLA leave. She further alleges that on March 27, she took a vacation day and while on vacation, her supervisor texted her and asked if she planned on taking FMLA leave. The plaintiff alleges that she did not respond to the text message but returned to work the following day. The
plaintiff alleges that she was terminated the next day. She claims that the person who terminated her told her that it was better for the plaintiff to collect unemployment than to take FMLA leave. The plaintiff brings claims for wrongful termination, violation of the FMLA, and a request for equitable relief.

August 28, 2020
Reynoso v. CHS Acquisition Corp. (Northern District of Illinois)
The plaintiff was a machine operator and maintenance worker for the defendant. He alleges that around May 13, he left work after informing his foreman that he was experiencing symptoms of COVID-19. He claims that he tested positive for COVID-19 and was diagnosed with COVID-19-related viral pneumonia. He alleges that he was hospitalized and in critical condition for two weeks, and that the defendant was aware that he was experiencing symptoms of COVID-19, but made no effort to contact him while he was in the hospital. He also alleges that he did not have his cell phone with him in the hospital, and could therefore not contact the defendant to inform them of his condition. The plaintiff alleges that five days into his hospitalization, the defendant terminated his employment and immediately cut off his health insurance benefits. The plaintiff claims that after he was released from the hospital, he informed the defendant that he had been hospitalized for two weeks and provided the defendant with documentation showing that he had tested positive for COVID-19. He alleges that the defendant then asked him for documentation of his hospital stay. He claims that it took several days to obtain the paperwork from the hospital, and that before he could provide it to the company, he received a letter stating that the company’s position regarding his termination was affirmed. He brings claims for violation of the EPSLA and the FFCRA and failure to pay final compensation.

August 26, 2020
Hardy v. Stemco Products, Inc. (Eastern District of Tennessee)
The plaintiff, a spin line operator, alleges that his employment was terminated in violation of the FMLA after he tested positive for COVID-19. The plaintiff claims that he began to feel ill at work and visited the emergency room that same night. The plaintiff alleges that after testing positive for COVID-19, he immediately informed the defendant and the defendant instructed him to quarantine for two weeks. The plaintiff claims that about a week later, he was terminated for failing to report his medical condition in a timely manner. The plaintiff alleges that the defendant interfered with his rights under the FMLA, and retaliated against him by terminating his employment after taking a leave for his medical condition.

August 21, 2020
Madoo v. Loomis Armored US, LLC (Orange County, Florida)
The plaintiff, an employee of a cash distribution service, alleges violation of the Family and Medical Leave Act, as “temporarily modified” by the Families First Coronavirus Response Act, and the Florida Coercion Statute. The plaintiff alleges that he was sent for work to Miami-Dade County, which he describes as “the epicenter of the COVID-19 Florida outbreak,” and there contracted COVID-19. The plaintiff alleges that he needed to be quarantined for 14 days, and that his employer reduced both his hours and his pay, and refused to pay him for 80 hours of benefits, allegedly in violation of the FMLA and FFCRA. The plaintiff alleges that when he hired an attorney to pursue a workers’ compensation claim and his employer became aware of his claim, his
employer terminated his employment, in violation of Florida’s Coercion Statute. The plaintiff seeks an unspecified amount of damages for back pay, pre-judgment interest, post-judgment interest, compensatory, consequential, and emotional damages, and an award of attorneys’ fees.

**August 20, 2020**

*Morrison v. White Sands Treatment Center of Tampa, LLC* (Middle District of Florida)

The plaintiff worked as a housekeeper at a substance abuse treatment center. She alleges that she became ill with an upper-respiratory infection after cleaning a patient’s room. The plaintiff claims that when she returned to work, the defendant asked her to work a different schedule, which she was unable to do because her children were out of school due to closings caused by the COVID-19 pandemic. The plaintiff claims that she was entitled to leave under the FMLA, but that instead of providing her with leave, the defendant terminated her in retaliation for her inability to work the new schedule. She brings causes of action for retaliation and interference under the FMLA.

**August 19, 2020**

*Pamela Smoot v. Three-C Body Shops, Inc.* (Southern District of Ohio)

The plaintiff, a customer service representative, claims violations of the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act of 1990 (ADA), and Ohio law, in connection with her termination. The plaintiff alleges that in April 2020, she applied for FMLA leave due to her serious medical condition and disability, COPD. Specifically, the plaintiff requires a nebulizer when she is sick, and unable to perform her job duties when she suffers a flare up of shortness of breath and coughing. The plaintiff alleges that her medical provider provided FMLA certification indicating that the plaintiff needed to be off work from March 15 through May 4, and recommended the use of intermittent FMLA leave up to one day per week through Nov. 4, due to her COPD. Additionally, the medical provider requested that the plaintiff be able to work from home through July 1 to reduce the risk of death through contracting COVID-19. The plaintiff alleges that her employer denied her FMLA leave as requested, and was told she had a “bad attitude” and was “disrespectful.” The plaintiff was subsequently terminated on May 12 without a provided reason, but claims her termination was in retaliation for requesting FMLA leave.

**August 19, 2020**

*Soto Guevara v. Gargiulo, Inc.* (Middle District of Florida)

The plaintiff, an employee of a produce wholesaler, alleges that her employer denied her paid emergency sick leave and paid extended family medical leave to provide childcare to her children due to COVID-19 related school closures. The plaintiff alleges that the defendant refused to allow her to provide sufficient information regarding her entitlement to paid leave, including the identification of her children requiring care, and retaliated against her by unlawfully terminating her employment after she requested leave. The plaintiff seeks reinstatement of her employment, payment of her wages as required under the EPSLA and EFMLEA, unspecified compensatory, liquidated and emotional distress damages, and an award of attorneys’ fees.

**August 17, 2020**

*Idahor v. Arbor East Cobb, LLC* (Northern District of Georgia)
The plaintiff, a certified nursing assistant, informed the defendant, an operator of senior living facilities, that she was getting a COVID-19 test because she had been in contact with person who had tested positive for COVID-19. The defendant responded that the plaintiff must come to work. Two days later, the plaintiff’s supervisor and another employee told the plaintiff that she would not be paid, that she was at low risk for the virus, that she needed to return to work because the defendant was short staffed, and that she should be fine if she wore a mask and gloves. The next day, the plaintiff informed the defendant that she had tested positive for COVID-19 and needed to self-quarantine. Five days later, the defendant terminated the plaintiff’s employment. The plaintiff sued under the FMLA for interference and retaliation.

Woodward, et al. v. Vancuren Services, Inc., et al. (Northern District of Ohio)
The plaintiff, an hourly tree care technician, alleges that he was denied leave in violation of the FFCRA. The plaintiff alleges that on March 14, 2020, the Ohio Department of Health issued an order closing all Ohio schools due to COVID-19. As such, the plaintiff claims that his child’s school was closed, which created a bona fide need for the plaintiff “to care for his child for two weeks in response to school closures.” The plaintiff informed his employer that he needed two weeks of leave to care for his child, and his employer granted the request. The plaintiff alleges that while on leave, he “came into contact with an individual that was later diagnosed with COVID-19.” The complaint alleges that the plaintiff’s doctor advised him to quarantine at home for 14 days. The plaintiff then provided notice to his employer that he would need two weeks to quarantine at home, and the employer granted that request. Although the plaintiff’s employer granted his leave, his employer told the plaintiff “that they were not required to pay [the plaintiff for his leave] under the regulations.” The plaintiff alleges that his employer “interfered with [the plaintiff’s] FFCRA rights by:” (1) “failing to compensate [him] at two-thirds of his regular rate of pay for his FFCRA-qualifying leave related to his child being out of school;” and (2) “failing to compensate [him] at his regular rate of pay for his FFCRA-qualifying leave related to his doctor’s order to self-quarantine.”

August 14, 2020
Saunders v. Gala North America, Inc. (Western District of Virginia)
The plaintiff, an employee of a candle manufacturer, alleges violation of the FMLA as “temporarily modified” by the FFCRA, when his employer terminated his employment for reporting that both the plaintiff and his fiancé had been diagnosed with COVID-19 and medically instructed to quarantine for 14 days. The plaintiff alleges that in terminating the plaintiff’s employment, his employer denied him 80 hours of paid sick leave under the FFCRA, retaliated against him for reporting his diagnosis, and failed to inform employees of their rights under the FFCRA. The plaintiff seeks an award in excess of $200,000 plus reasonable attorneys’ fees, pre-judgment and post-judgment interest, reinstatement to his employment, and mandatory training for his employer’s management.

August 11, 2020
Milman v. Fieger & Fieger PC, et al. (Eastern District of Michigan)
The plaintiff, an attorney, filed a two-count complaint against the defendant law firm and its owner after she requested to work from home during the COVID-19 pandemic and was subsequently terminated. On
March 14 and 15, 2020, the plaintiff emailed her supervisor asking to work from home on March 16 and 17, informing him that her son’s daycare facility had been closed due to COVID-19 and that her son had a respiratory infection which she believed made him vulnerable to COVID-19. The supervisor denied the plaintiff’s request to work from home but granted her request for PTO instead. On March 17, the supervisor asked if the plaintiff intended to return to work on March 19. The plaintiff explained to her supervisor that she planned to return to work, but her son’s daycare center remained closed, she had no other childcare available, and her son was now experiencing COVID-19 symptoms. The plaintiff also contacted human resources to request that she be moved to a more secluded workspace upon her return. In the meantime, on March 18, Congress passed the FFCRA and the EPSLA, which provide various types of paid leave to workers impacted by COVID-19. On March 19, the plaintiff contacted human resources and requested to continue working from home for the rest of the week ending on March 20, because her son’s symptoms had not improved and she had concerns about working in the office. Human resources approved the request. Nevertheless, the plaintiff received a letter that day terminating her employment. The plaintiff alleges her termination violates the FMLA, as well as public policy evidenced in executive orders, the FFCRA and the EPSLA.

Amy L. Ison v. Amedisys Holding, LLC (Southern District of Indiana)
The plaintiff, a home health care nurse, claims her employer interfered with her right to use FMLA leave and failed to pay her for overtime. After the plaintiff developed symptoms of COVID-19, she made an appointment with her healthcare provider to be tested and informed her supervisor, who instructed the plaintiff to quarantine. The plaintiff alleges that she complied with this directive and provided certification clearing her to return to work after the quarantine. The plaintiff also claims that on the day she was released to return to work, she met with her employer, who informed her that she was terminated because she purportedly “didn’t follow protocol” for reporting COVID-19 symptoms and accused the plaintiff of not informing anyone of her symptoms. According to the plaintiff, “[b]oth of these accusations were lies.” The plaintiff alleges the employer’s proffered reason for her termination was pretext for FMLA interference, as evidenced by her employer’s intent to deny her paid leave for the period she was instructed to quarantine. According to the plaintiff, the director of operations explained that she would not be paid for the time during which she was instructed to quarantine because the plaintiff “did not have COVID-19.” Unrelated to her claims regarding COVID-19, the plaintiff also alleges that the defendant failed to pay her at the FLSA overtime rate for overtime hours worked during her employment, including time spent traveling during her work day, time spent in patient visits, time spent in meetings and training, and time spent completing records and patient documentation. As a result of the unpaid overtime wages, the plaintiff claims violations of the FLSA and Indiana’s Wage Claims Statute.

August 5, 2020
Clemente Cimmino v. Italian Village Pizzeria, et al. (Union County, New Jersey)
The plaintiff claims he was not allowed to return to work at the defendant pizzeria after taking time off to quarantine after COVID-19 exposure that allegedly occurred because the defendants did not provide proper
protection to workers. In March, the defendant manager allegedly came into the pizzeria while exhibiting flu-like symptoms. Thereafter, other employees developed similar symptoms and continued to work. During this time, the plaintiff feared contamination and requested a mask, which was not provided. The plaintiff claims that in early April he asked his supervisor to be allowed to quarantine for 14 days, which was granted, but that despite the FFCRA, he was not paid for this time off. When he returned to work, a plastic barrier had been installed at the main counter, and some employees wore masks that employees had purchased. The plaintiff learned that two employees had tested positive for COVID-19, and that another had to take time off to care for her nephew who tested positive. One of the employees who tested positive died on April 17. The pizzeria was shut down for a day. On April 17, the plaintiff requested time off to "quarantine himself from his family since he feared that he had come in contact with employees who either tested positive for COVID-19 or were caregivers for persons who had tested positive for COVID-19." This request was granted, but the plaintiff alleges that he was not paid for the time off. Starting May 9, the plaintiff asked to return to work but was told that the location had a full staff. The plaintiff makes a range of claims, including retaliation in violation of the New Jersey Law Conscientious Employee Protection Act, intentional conduct related to PPE, and violation of the FFCRA.

Sanchez-Martinez v. Bandera Family Health Care, P.A. (Western District of Texas)
The plaintiff was a patient coordinator for the defendant. The plaintiff alleges that around April 2, 2020, she had a fever and her manager instructed her to go home and get tested for COVID-19. The plaintiff claims that she tested positive for the virus. She alleges that on May 11, she received a telephone call from the defendant’s executive assistant asking the plaintiff if she could return to work the next day. The plaintiff alleges that she informed the executive assistant that she was still positive for the virus, and could not return. The plaintiff claims that the executive assistant offered to put the plaintiff in a separate room to work, but the plaintiff claims that she informed the executive assistant that she could not return, as she was still under medical care for COVID-19 and was too anxious to see patients. The plaintiff alleges that the executive assistant instructed her to seek counseling with a practitioner employed by the defendant to discuss her anxiety, and that she saw the practitioner, who diagnosed her with acute stress disorder. The plaintiff claims that around June 8, despite not being ready to see patients due to her anxiety, she was forced to return to work. The plaintiff contends that on July 7, she saw a doctor and obtained FMLA paperwork due to her anxiety, which she returned to the defendant’s human resources department. The plaintiff alleges that on July 14, she was terminated “because of [her] anxiety.” The plaintiff brings one cause of action for unlawful interference and retaliation under the FMLA.

August 3, 2020
Romero v. Accurate Painting of Northwest Florida, Inc. (Northern District of Florida)
The plaintiff worked as a painter for the defendant, a construction contractor. On June 11, 2020, at the defendant’s instruction, the plaintiff and her crew took a COVID-19 test. The plaintiff, who contends she had not been feeling well two days before she took the COVID-19 test, did not return to work after the test, because her symptoms worsened. On June
14, the plaintiff alleges she was informed she had tested positive for COVID-19, was instructed to continue to self-quarantine, and claims she was "prescribed some over the counter medications." The plaintiff then notified her direct supervisor about her positive COVID-19 test. The supervisor told the plaintiff she could return to work on June 29, after her self-quarantine period ended and she had recovered. On June 19, however, the plaintiff alleges that the defendant notified her it "was not going to pay Plaintiff anything because she brought the COVID-19 to the company," and, further, it was firing her. The plaintiff sued for violations of the FFCRA and FMLA, alleging, among other claims, that her employer should have granted her at least 80 hours of paid sick time when she was ill, and interfered with her FMLA leave by firing her.

July 31, 2020

**Dung Ly v. Americold Logistics, LLC** (Middle District of Pennsylvania)

The plaintiff sued his employer, the defendant, for its alleged violations of the FMLA. The plaintiff continued to report to work throughout the COVID-19 pandemic, as the defendant was an "essential business" under the Governor of Pennsylvania’s “shelter in place order." The plaintiff's minor child suffered from an underlying condition making him susceptible to the COVID-19 virus, and the child was ordered to self-quarantine. The plaintiff informed the defendant about his child’s quarantine order and requested FMLA leave. Without explanation, the defendant allegedly approved only about half of the continuous period of FMLA leave requested by the plaintiff. The defendant terminated the plaintiff’s employment when he did not report to work on those days on which he applied for FMLA leave, but for which the leave was not approved. The plaintiff sued the defendant for its alleged failure to grant FMLA leave to care for his minor child who had been ordered to quarantine.

**Pacitti v. Ricciardi Brothers Old City, Inc.** (Eastern District of Pennsylvania)

The plaintiff, a former delivery driver for the defendant, alleges that he was constructively discharged in violation of the FMLA and FFCRA. The plaintiff, a father of four young children, requested and received extended leave under the FFCRA due to the closure of Pennsylvania schools during the COVID-19 pandemic. Shortly before his return to work, the plaintiff reached out to his manager, who advised him that his former delivery route had been given to another driver while the plaintiff was on leave. The manager further advised the plaintiff that the only route available was several hours drive from the plaintiff’s home. The plaintiff alleges that he advised the defendant that due to his child care obligations, he could not travel that far to work, and that he thought his job was protected while he was on leave. The defendant allegedly told the plaintiff that the new route was the same as his old route, and was the closest open route available. The plaintiff alleges that he reiterated that he could not travel such a distance, and that as a result, he interpreted his employment to be at an end. Based upon these allegations, the plaintiff alleges claims for constructive termination, as well as interference and retaliation under the FFCRA and FMLA.

July 30, 2020

**Castill v. JAC Products, Inc.** (Northern District of Ohio)

The plaintiff, a forklift operator, filed a single-count complaint claiming that the defendant violated the FMLA by refusing to reinstate him and by terminating his employment for exercising his FMLA rights. According to
the plaintiff, he suffered a stroke in late January 2020 and went on medical leave prior to the start of the COVID-19 pandemic. On March 16, the plaintiff informed the defendant that he had been medically cleared to return to work with no restrictions. At that point, the defendant told the plaintiff that the plant was on shutdown due to the COVID-19 pandemic and that the defendant would let him know when he could return to work. On March 17, the plaintiff received FMLA paperwork from the defendant, and he was instructed to turn in the completed FMLA paperwork when he returned to work after the COVID-19 shutdown. According to the plaintiff, he continued to communicate with the defendant, including a letter to the defendant substantiating that he had been cleared to return to work. On May 21, the defendant informed the plaintiff that it had given his position to another employee, falsely claiming that the plaintiff had not notified the defendant that he had been medically cleared to return to work. That day, the plaintiff claims he submitted a second return to work letter to the defendant and left several voicemails for HR, but received no response. On May 27, the defendant informed the plaintiff that they deemed him to have quit his employment, and were terminating him effective May 21.

*Elyse Hawthorne v. James River Petroleum Inc.* (Eastern District of Virginia)

In March 2020, the schools attended by the plaintiff’s children closed due to COVID-19. She requested to work from home, which the defendant denied. The plaintiff claims that in late March, information regarding the FFCRA was distributed by human resources, and that she expressed interest in leave and requested a referenced leave form. The plaintiff says that she submitted a completed FFCRA form on April 1, after which she was “aggressively questioned,” told that remote work was not an option, and led to believe that her job would be in jeopardy if she took the leave. After considering management’s request, the plaintiff submitted the FFCRA leave request form again, requesting leave beginning April 6 and ending June 10. The plaintiff claims that her employer expressed frustration with this request and that she agreed to move back the start of her leave a week. Before the plaintiff started her leave, the company issued a newly revised outside employment policy, purportedly to target the plaintiff and her prevent her from supplementing her leave-reduced pay with outside employment during evenings or weekends. During a meeting on Sunday, April 12, ostensibly to address transition items, the human resources manager, advised the plaintiff to “look [for another job] while out [on leave],” suggested that her job was in jeopardy, and asked the plaintiff to remove her personal items from her office and return her keys. In early May, the defendant’s human resources raised issues about the plaintiff’s work performance. On May 22, while still on leave, the plaintiff received an emailed termination letter. The plaintiff claims violation of her job-protected FMLA/EFMLEA leave, retaliation for her use of job-protected FMLA/EFMLEA leave, and opposition to practices made unlawful by the FMLA/EFMLEA.

**July 29, 2020**

*Siam v. Promise Care NJ, LLC* (Hudson County, New Jersey)

In early April 2020, the defendant told its employees, including the plaintiff, to work remotely due to the COVID-19 pandemic. In early May, the defendant advised all employees that they would be returning to the office on May 18. Because the plaintiff’s son’s school had closed, the plaintiff inquired about options for working parents with children at home due to schools being closed. The defendant allegedly replied that it
expected the plaintiff, and all other employees, to be back at the office as of May 18. On May 18, the plaintiff emailed her manager and told her she could not come in to work that day because, as she had said before, her son’s school was closed due to the COVID-19 pandemic and she did not have alternative care arrangements. The defendant allegedly responded to the plaintiff’s email with a termination letter. The plaintiff sued under the FFCRA and for a violation of New Jersey public policy for the defendant’s alleged failure to provide leave for child care purposes.

July 28, 2020

Simoneau v. MDT-TT, LLC (District of Rhode Island)
The plaintiff was working as a sales manager for the defendant when she began experiencing symptoms consistent with COVID-19. When the plaintiff’s symptoms worsened, she visited her physician, who advised her that there was a shortage of COVID-19 tests, and that she should self-quarantine for 14 days. The plaintiff and her physician both notified the defendant of the self-quarantine order. One of the plaintiff’s managers allegedly told the plaintiff she “probably [had] a cold.” While the plaintiff was in self-quarantine, she alleges she continued to work from home. One day, after the defendant denied the plaintiff access to its website, the plaintiff contacted the defendant, who allegedly informed her that: (i) it had terminated her employment, (ii) employees who worked 12-hour days while she was in self-quarantine had priority vis-à-vis retaining their jobs; (iii) “no employees have rights during this pandemic”; and (iv) she “probably only had a cold.” When the plaintiff contacted the defendant’s HR department to ask why it had not protected her job while she was on medical leave, the representative purportedly responded that the defendant had laid off employees who were on workers’ compensation and family and medical leaves. The plaintiff sued for violations of the federal FMLA and its Rhode Island state-law corollary.

Martinez v. Aspen Dental Management, Inc. (Middle District of Florida)
The plaintiff, an office manager, filed a four-count complaint alleging that the defendant interfered with her rights under the FMLA and the Expanded FMLA, and that it terminated her employment for exercising her rights. The plaintiff alleges that after she lost her access to childcare services due to the COVID-19 pandemic, she asked to work from home on May 26, 2020. According to the plaintiff, her children also became ill at that time and were tested for COVID-19, which required the plaintiff to be absent from work for three consecutive days. The plaintiff’s request to work from home was denied, and the plaintiff alleges that she was told by her supervisor that if she could not report to work due to her childcare obligations, she would no longer have a job. The plaintiff complained to HR, but alleges that she was ordered to return to work, which she did on June 2. Upon her return, the plaintiff alleges that the defendant issued her a final written warning. When the plaintiff objected to the written warning, she was fired. The plaintiff claims that if the defendant believed that she was ineligible for FMLA-qualifying leave, it was required to provide her with a designation notice, letting her know (within five business days after it had sufficient information to decide if her leave was FMLA-qualifying) whether her FMLA leave was approved. The plaintiff claims the defendant failed to do so, and instead interfered with her rights and retaliated against her, even though the defendant knew, or should have known, that she was exercising her rights under the FMLA.

Staples-Reynolds v. Gills Gibson, Inc. (Middle District of Pennsylvania)
The plaintiff, who has asthma, got tested for COVID-19 after his roommate’s co-worker tested positive for COVID-19. During his testing appointment, the plaintiff’s medical provider instructed him to self-quarantine for two weeks. The plaintiff, who worked in food service, notified the defendant of the quarantine order. According to the plaintiff, the defendant’s general manager responded, “You are faking it. If you take time off, you will be fired.” When the plaintiff explained that he was going to follow his healthcare provider’s advice, the defendant terminated his employment immediately. The next day, the plaintiff submitted a note from the healthcare provider confirming she had (i) tested him for COVID-19 because of possible exposure to the virus and (ii) instructed him to self-quarantine for two weeks. According to the plaintiff, the defendant took no action in response to receiving the healthcare provider’s note. The plaintiff brings claims under the FMLA (as amended by the FFCRA) and the EFMLEA. The plaintiff asserts, among other things, that the defendant refused to grant him medical leave for a qualifying event (a self-quarantine directive), failed to provide him with FFCRA-mandated paid sick leave, and unlawfully discharged him.

**July 23, 2020**

*Clark v. Lexington Family Dental Care, PA (Lexington County, South Carolina)*

The plaintiff was a dental assistant for a dental care company. She alleges that she has two children who were unable to attend daycare due to the COVID-19 pandemic. She further alleges that she stopped working in the dental office on March 29, 2020, due to the pandemic, and that she received an email on April 16 stating that staff would not return until May 4. However, the plaintiff claims that on April 19, she received an email from the owner stating that the company had been approved for a PPP loan, the terms of which required staff to return to work the following day. The plaintiff claims that she called the owner and told her that she could not come in on 24 hours’ notice because she could not arrange childcare that quickly. The plaintiff alleges that the owner told her she understood. However, the plaintiff claims that the next day, the owner called her and said that if she did not return the following day, the company would consider it to be a resignation and the owner would make sure the plaintiff did not receive unemployment. The plaintiff claims she told the owner that she was not resigning but needed a chance to arrange childcare. The plaintiff alleges that the owner texted her and stated that they needed a certain number of people on the payroll for the PPP loan, so if the plaintiff did not come in, they would replace her. The plaintiff claims that she then received a text message from the owner stating that based upon her childcare issues, they were replacing her. The plaintiff brings a cause of action for FMLA interference, FMLA retaliation, violation of the Emergency Paid Sick Leave Act (EPSLA), defamation, and promissory estoppel.

*Sprague v. Ed’s Precision Manufacturing, LLC (Southern District of Texas)*

The plaintiff alleges that he was terminated for taking EMFLEA leave. The plaintiff claims that he requested time off to care for his children, who were unable to attend school due to a COVID-19 related closure. He alleges that his employer rejected the request, and “expressed a negative attitude about [the plaintiff] making such a request.” The plaintiff’s wife emailed the plaintiff’s employer explaining that he was “entitled to leave to help care for their young children.” As a result, the plaintiff alleges that the employer “relented, but was obviously frustrated by the request.” The
plaintiff was permitted to receive time off each week to care for his children “for a short period of time.” The plaintiff claims that he was subsequently terminated for allegedly leaving work an hour early, but asserts that the real reason he was terminated was for exercising his rights under the EMFLEA. The plaintiff seeks back pay, front pay, compensatory damages, punitive damages, costs, interest, and attorney fees.

**July 17, 2020**

*Beatty v. Hamilton Operator LLC, et al.* (Mercer County, New Jersey)
The plaintiff, a dietary aide/cook for a nursing home, brings claims under the New Jersey Law Against Discrimination, the New Jersey Earned Sick Leave Law, the Emergency Paid Sick Leave Act (EPSLA), and the Emergency Family and Medical Leave Expansion Act (EFMLEA). The plaintiff alleges that he began experiencing a fever in excess of 102 degrees. The defendants advised the plaintiff that he should stay home and contact his primary care doctor. A day after the plaintiff was notified regarding his negative COVID-19 test result, the plaintiff shared the result with the defendants. The defendants informed the plaintiff that they were terminating the plaintiff’s employment because it “took too long” to obtain the COVID-19 test result. The plaintiff alleges that his taking leave constituted “protected conduct” under the ESLL, EFMLEA, and the EPSLA, and the plaintiff further alleges that the defendants were liable to the plaintiff for discriminating against him “for the perception of disability” under New Jersey law.

**July 13, 2020**

*Rivas v. Phillips Precision Medicraft* (District of New Jersey)
The plaintiff, a finisher for a medical device manufacturer, alleges that the defendant interfered with his rights under the FMLA. The plaintiff alleges that the defendant denied his request to take leave in order to care for his school-aged daughter, whose school had been closed due to COVID-19, and that he was furloughed instead. The plaintiff was told that he did not need to take FMLA leave because the defendant “would place any employee who could not work due to COVID-19 on furlough.” The defendant confirmed that the plaintiff would be furloughed effective March 31, 2020. On April 16, the defendant asked the plaintiff whether he was able to return to work, but the plaintiff informed the defendant that his daughter’s preschool was still closed. The defendant told the plaintiff that “if he could not return to work, [d]efendant would fire him.” After requesting leave, the plaintiff sent the defendant the FFCRA poster outlining employees’ rights. The plaintiff again inquired about his right to take FFCRA-protected leave, but was told that he was not entitled to leave because his “position was eliminated” prior to the FFCRA’s expansion of the FMLA. The plaintiff alleges that the defendant retaliated against him by firing him for “requesting and/or taking FFCRA-qualifying leave.”

**July 8, 2020**

*Lopez v. Refocus Eye Health of PA, P.C.* (Eastern District of Pennsylvania)
The plaintiff began experiencing symptoms consistent with COVID-19 on May 14, 2020. She called and informed her employer that she would be unable to work that day, due to her symptoms. That same day, she visited her doctor, who scheduled a COVID-19 test for her on May 19 and
The plaintiff promptly informed the defendant that she had been ordered to self-quarantine until her test results came back. However, the defendant told the plaintiff that she would be terminated if she did not return to work by June 15. The plaintiff claims she was unable to return to work on June 15 due to her alleged continuing symptoms, and her inability to be tested for COVID-19 a second time prior to that date. The defendant terminated the plaintiff’s employment. The plaintiff sued the defendant for FMLA interference for demanding that she return to work prior to the end of her alleged protected leave. Additionally, the plaintiff brings a claim under the FFCRA for the defendant’s alleged failure to provide her with paid leave while she was away from work experiencing COVID-19 symptoms.

Wilson v. KMH Dining Group (Northern District of Georgia)
The plaintiff, a general manager, alleges violations of the Emergency Family and Medical Leave Expansion Act (EFMLEA) and Emergency Paid Sick Leave Act (EPSLA). The plaintiff claims that he began experiencing COVID-19 symptoms and was told by his doctor to quarantine and not to report to work. The plaintiff alleges that when he told his supervisor his doctor recommended that he self-quarantine, the plaintiff’s supervisor stated that “it sounds fishy” and asked if the plaintiff felt or looked sick. Two days later, the plaintiff was terminated, and was told that the company would hire someone “who wanted to work.” The plaintiff alleges that “[i]n terminating [the plaintiff’s] employment, denying him paid leave, and failing to restore him to his position, [the employer] interfered with [the plaintiff’s] rights protected under” the EFMLEA and EPSLA.

July 6, 2020
Haisley v. Grant-Blackford Mental Health Inc. (Grant County, Indiana)
The plaintiff alleges that her employer refused to provide her with leave under the Families First Coronavirus Response Act. She claims that in April 2020, she requested to telework so that she could care for her child whose school was closed due to COVID-19. The plaintiff claims that her employer denied her request to work remotely. The plaintiff alleges that she was subsequently terminated because “she was unable to work because she was caring for her child whose school or place of care was closed…due to COVID-19 related reasons.” The plaintiff seeks: her lost wages, liquidated damages, reinstatement to her position, and costs and attorney’s fees.

June 25, 2020
Southern v. Madison County Nursing Home, et al. (Hinds County, Mississippi)
The plaintiff, a bookkeeper for a public nursing home, claims that the defendants interfered with her rights under the FMLA. The plaintiff claims that she had difficulty securing childcare after daycare and school closures due to COVID-19. The plaintiff alleges that she was denied her request to work from home, so she took time off from work to care for her
children. The plaintiff alleges that the defendants unlawfully interfered with her “employment agreement by terminating her just days before the FFCRA went into place.” The plaintiff claims that her employment was terminated due to her need for FMLA leave, and that the purported reason for terminating her – lack of Excel skills – was a pretext.

**June 19, 2020**

*Brown v. Township of Irvington* (District of New Jersey)
The plaintiff, a clerk-typist in the township’s tax department, alleges that he was denied two weeks of paid emergency sick leave he was entitled to under the Families First Coronavirus Response Act (FFCRA). The plaintiff alleges that the township’s tax department was considered “essential,” and was permitted to continue to operate following New Jersey’s statewide stay-at-home order. The plaintiff alleges that employees in the tax department were exposed to COVID-19 and the disease began to spread among those in the tax department. As a result, the plaintiff alleges that he began experiencing COVID-19 symptoms and sought treatment from his family physician, who recommended that the plaintiff receive treatment for COVID-19 and be excused from work. The plaintiff subsequently provided his employer with the doctor’s note excusing him from work, and requested two weeks paid medical leave under the FFCRA. The plaintiff alleges that he was told that he was not entitled to additional medical leave, because the employer already provided paid sick leave and vacation. When the plaintiff inquired again about taking medical leave under FFCRA, the defendant’s business administrator stated that the township did not need to provide paid FFCRA leave because it had more than 500 employees. The plaintiff responded by emailing the business administrator with information that the 500 employee exception did not apply to public employers, like the township, and requested his paid FFCRA leave. The plaintiff never received a response to his email requesting medical leave.

**June 18, 2020**

*Lopez v. Fieldale Farms Corp.* (Northern District of Georgia)
The plaintiff, a maintenance worker, filed a two-count complaint alleging that the defendant interfered with his rights under the FMLA by terminating him and failing to provide him FMLA leave. The plaintiff alleges that after he was diagnosed with COVID-19, he informed the defendant that he needed to miss work for two weeks. When the two weeks were up, the plaintiff told the defendant that he was experiencing respiratory issues and that he was told by his doctors that he should act as if the virus was still active. The plaintiff did not return to work at that time. Subsequently, the plaintiff returned to work and the defendant terminated him.

*Bowden v. Brinly-Hardy Company, Inc.* (Western District of Kentucky)
The plaintiff was discharged while on a leave of absence for a potential COVID-19 diagnosis and self-isolation order. She sued her employer for violating the Families First Coronavirus Response Act (FFCRA), the Family and Medical Leave Act (FMLA), and the Fair Labor Standards Act (FLSA). The plaintiff asserts that, in response to the COVID-19 pandemic, her employer implemented certain measures, including having some employees work remotely, and that she agreed to work from home because she has asthma and is high risk. The plaintiff then developed symptoms consistent with having COVID-19 and visited a physician. A week later, the plaintiff’s employer notified her that she could no longer
work remotely and would need to return to the office. Two days later, the plaintiff’s symptoms worsened, and an ER physician advised that she might have COVID-19 and must self-isolate. The plaintiff notified her employer of her possible diagnosis, and her employer approved leave under the FFCRA, commencing April 9, 2020. When she began her leave, the plaintiff contacted her primary care physician, who advised her to self-isolate for seven days before visiting his office, and a week later, ordered a COVID-19 test (scheduled for April 22) and instructed the plaintiff to self-isolate for another week. The plaintiff notified her employer of the self-isolation order and upcoming COVID-19 test. In response, the employer provided the plaintiff with short term disability paperwork. Sometime during the week of April 22, the plaintiff told her employer she would return to work when her fever dissipated. A week later, the employer terminated plaintiff’s employment on the ground that her skills did not match the employer’s long-term needs. The plaintiff asserts that, in violation of the FFCRA, her employer’s true motivation was her COVID-19 symptoms and physician-directed self-isolation orders. Among other theories, the plaintiff also asserts that her employer violated the FMLA by not informing her of her FMLA rights.

June 16, 2020

Barcalow v. Wellspring Lutheran Services (Eastern District of Michigan)

The plaintiff, a senior living center employee, alleges FMLA interference and retaliation. She alleges she was terminated after using her approved FMLA leave following a positive COVID-19 test. The plaintiff alleges that the defendant terminated her employment “because she failed to come into work while she was on continuous FMLA leave.” She claims that her employment was terminated due to her COVID-19 diagnosis and in retaliation for using FMLA leave, and that the purported reason for the termination of her employment was a pretext.

June 15, 2020

Wells v. Haynes Ambulance of Alabama, Inc. (Middle District of Alabama)

The plaintiff, a flight paramedic, brings his claims under the FMLA and the Expanded Family Medical Leave Act (EFMLA). The plaintiff claims that he was terminated for asking about the possibility of taking EFMLA to care for his children due to the school closures amid the COVID-19 pandemic. The plaintiff claims he was told that the reason for his termination was that his questions about taking leave “‘ruffled feathers at the top’ and caused ‘animosity’ between employees and defendant’s management . . .” According to the plaintiff, the defendant terminated him in an effort to dissuade others from exercising their right to leave under the FMLA and the EFMLA.

June 9, 2020

Kelley Nuttall v. Progressive Parma Care Center, LLC (Northern District of Ohio)

The plaintiff, an activity director, claims that her employer interfered with her rights under the FMLA. The plaintiff alleges that she began experiencing COVID-19 symptoms after being exposed to a patient who tested positive for COVID-19. She made an appointment with her physician, who diagnosed her with COVID-19 and recommended that she refrain from working until she recovered, requiring her to “miss at least 10 consecutive days of work.” After the plaintiff contacted her employer to inform them of the diagnosis and need for leave, and requested FMLA leave paperwork, she alleges that she received a text message from the
executive director, effectively terminating her. The text message stated: “I understand that some leaders are going to step up and some leaders are going to step back. Wish you well.”

**June 3, 2020**

*Thornberry v. Powell County Detention Center (Powell County, Kentucky)*

The plaintiff, a substance abuse counselor for a detention center, alleges violations of the FMLA, FMLA retaliation, and wrongful discharge in violation of the Kentucky Whistleblower Act. The plaintiff alleges that she was instructed to stay home as a result of the COVID-19 pandemic, but was instructed that she was expected to return to work on March 30, 2020. Prior to returning to work, the plaintiff alleges that she expressed concern to her supervisor “about whether sufficient measures had been implemented to prevent the spread of the disease within the Detention Center, indicating that she had been told by Detention Center personnel not to wear Personal Protective Equipment for fear of causing a panic within the Detention Center.” On March 31, 2020, the plaintiff communicated that “she was not coming in to work because she was not feeling well and running a fever and wanted to consult with her doctor,” and that “absent some reassurance from the Detention Center that sufficient measures were in place to limit the spread of COVID-19, she would not feel comfortable coming to work and ‘risk people [she] love[s] or [her]self dying.’” The plaintiff also alleges that she informed her employer that as a result of school and caretaker closures, she needed to care for her children and dependent brother-in-law. The plaintiff alleges she was fired “within hours of her refusal to return to work without proper safety measures in place,” and that she was fired for reporting violations of CDC recommendations to her supervisor.

**Winters v. Stone Transport Holding, Inc., et al. (Eastern District of Michigan)**

The plaintiff worked as a breakdown coordinator for a trucking company, and his job consisted of answering phone calls from drivers who were experiencing issues on the road. The plaintiff claims that when he told his employer he was experiencing symptoms of COVID-19, his employer told him that he could not return to work until he was tested and provided a doctor’s note clearing him to return. The plaintiff alleges that he had trouble obtaining a test, and that when he did, he was told that it would take several days before he received the results. The plaintiff alleges that he was terminated before his test results were issued and was told to “go ‘have a nice life.’” The plaintiff alleges that despite being fully able to perform his responsibilities from home and doing so while he was absent from the office, he was terminated because the defendants were “angry with the amount of time it took for the VA Hospital to return the results.” The plaintiff brings claims for wrongful termination in violation of public policy, violations of the Family and Medical Leave Act, and violation of the Fair Labor Standards Act.

**May 27, 2020**

*John Doe v. Dee Packaging Solutions, Inc., et al. (Eastern District of Pennsylvania)*

The plaintiff, a printing press operator with Human Immunodeficiency Virus (“HIV”), alleges that the defendants terminated his employment after he made multiple attempts to contact the defendants’ human resources department and direct supervisor regarding his intention “to seek a
medical diagnosis confirming [the plaintiff] should self-quarantine at home for his own protection on account of [the plaintiff’s] HIV-positive status.

The plaintiff’s supervisor sent the plaintiff a text message reading: “The company has remained open. Not reporting to work as you have done is abandoning your job. HR will be sending you the necessary paperwork.”

The plaintiff alleges that the defendants failed to offer the plaintiff FMLA leave, that he was not allowed to use his accrued paid time off, and that he was not offered an accommodation. He claims that he was treated less favorably on the basis of his sexual orientation, and retaliated against because “he suffered from a condition that placed him at higher risk for serious or fatal consequences from COVID-19.”

May 14, 2020

Rocco Benedetto v. Action Rentals of FLL, LLC, et al. (Southern District of Florida)

The plaintiff alleges FMLA interference and retaliation. The plaintiff alleges that he “suffers from anatomic asplenia and functioning immunosuppression,” and that he reported to his employer that he was thus “at least ten (10) times more vulnerable than the average individual to contract” COVID-19. The complaint alleges that the plaintiff had a 103.4 degree fever, and provided his employer medical documentation advising him to quarantine for three to 14 days. The plaintiff asserts that two days after he sought to take medical leave, he was terminated. Plaintiff claims that the temporal proximity of his request and his termination creates the presumption that his employer retaliated against him for seeking to exercise his FMLA rights.

May 8, 2020

Hockersmith v. Elmcroft by Eclipse Senior Living (Western District of Kentucky)

The plaintiff, a former area human resources director, alleges FMLA interference and retaliation claims, as well as disability discrimination under the Kentucky Civil Rights Act. The plaintiff alleges that when she became sick with flu-like symptoms while conducting a sexual harassment investigation for defendant in mid-February 2020, her supervisor refused to allow her to take a sick day, instead demanding that she complete the investigation. After her symptoms worsened to include serious coughing and breathing issues, the plaintiff was advised by her doctor on March 13, 2020 to self-quarantine for seven days, which she did. Following a check-in call with her supervisor, during which the plaintiff coughed continuously, the plaintiff alleges her supervisor placed her on leave and locked her out of the company’s systems. The plaintiff says she then went back to her doctor on March 24, 2020, and notwithstanding the lack of available tests, her “doctor admitted that she most likely had COVID-19” and advised her to extend her self-quarantine period to 14 days. The plaintiff says she then requested FMLA leave, and that her supervisor did not respond to her request. After the plaintiff completed her period of self-quarantine, and attempted to return to work, the plaintiff was still unable to access any work-related programs. Later that day, the plaintiff says her supervisor terminated her employment, telling her (for the first time) that her performance was unsatisfactory.

May 1, 2020

Angela M. Connor v. Professional Medical Billing, Inc. (Northern District of Indiana)
Plaintiff seeks “damages under FMLA/FFCRA,” as well as “declaratory and injunctive relief.” Plaintiff alleges that her daughter’s school and daycare closed as a result of COVID-19 and that Plaintiff was forced to stay home with her child, whom Plaintiff also claims had serious health conditions. Plaintiff alleges that she notified her employer of the need for leave under FMLA/FFCRA, but did not receive the requested approval for paid leave. Plaintiff alleges, among other things, that she was asked to explain why she could not perform her billing duties remotely. According to Plaintiff, she could not “both work and watch her child at home.”

April 9, 2020
Ennin v. EFC Trade, Inc. (Southern District of Ohio)
Plaintiff alleges FMLA retaliation and interference. Plaintiff, a financial aid officer, was informed that she was being furloughed in connection with COVID-19. The plaintiff alleges that she was actually furloughed in retaliation for taking FMLA leave, and that the defendant interfered with her right to reinstatement by failing to reinstate her to her same or a substantially similar position upon her return from FMLA-protected leave.

Misclassification

October 9, 2020
Jesus Miguel Castaneda v. Bradzoil Inc. (Western District of Texas)
The plaintiff is a former assistant manager for the defendant, and has three children whose schools were closed in response to the COVID-19 pandemic. He alleges that the defendant did not notify him of his rights under the FFCRA, and alleges that when he inquired with his manager about paid leave to care for his children, he was told to “keep [his] mouth shut” and not to “bother corporate with his request for paid leave.” Because “his manager failed to grant paid leave, [the plaintiff] sent his request to corporate HR,” but the defendant allegedly “dragged its feet concerning the leave,” forcing the plaintiff “to use a week of his accrued vacation time caring for his children at home.” He alleges he received the necessary leave paperwork on April 17 and provided it to the defendant on April 23. The plaintiff claims that the next day, he did not receive his paycheck when the rest of the employees did, but was told to pick it up the following day. The plaintiff claims that the next day, his manager gave him his paycheck and said, “You have a damage claim and you are terminated,” without providing details “about the purported damage claim.” According to the plaintiff, “[j]ust two days after presenting paperwork requesting paid leave,” the defendant “fired [the plaintiff] and gave him a bogus excuse for his discharge.” He alleges that he was retaliated against for exercising he rights to leave. The plaintiff brings a claim for violation of the FFCRA, the EPSLA, the FMLA and the EFMLEA

May 29, 2020
Osvatics v. Lyft, Inc. (District Court of the District of Columbia)
In a class action on behalf of Lyft drivers working in the Washington D.C. metropolitan area, the plaintiff, a Lyft driver, alleges that Lyft violated the D.C. Accrue Safe and Sick Leave Act (ASSLA) by failing to provide drivers with paid sick leave. The ASSLA requires employers to allow their employees to accrue a certain amount of paid time off. The plaintiff alleges Lyft has improperly classified her and other drivers as independent contractors, preventing them from accruing needed paid time off under the ASSLA. Further, the plaintiff alleges that given the
COVID-19 pandemic, paid sick time is “vitaly important,” and without it, "Lyft forces its drivers into a Hobbesian choice: risk their lives (and the lives of their passengers) or risk their livelihoods.”

**March 12, 2020**
Verhines v. Uber Technologies Inc. (San Francisco County, California); Rogers v. Lyft, Inc. (San Francisco County, California)
Class action complaints against Uber and Lyft, respectively, allege that because drivers were misclassified as independent contractors (pursuant to California Assembly Bill 5), they have been improperly deprived of necessary paid sick time under the California Labor Code to cope with the COVID-19 pandemic.

**Non-compete**

**August 12, 2020**
Wilz v. Solarx Eyewear LLC (Northern District of Ohio)
The plaintiff, the former director of sales of an eyewear company, alleges that the defendant terminated his employment without cause, and in bad faith, in violation of their employment agreement. The employment agreement, which contained various restrictive covenants, was entered into after the plaintiff sold his interest in his former company to the defendant pursuant to an asset purchase agreement. The plaintiff alleges that he was laid off without pay “ostensibly due to the COVID-19 pandemic,” then later told that his responsibilities were absorbed by other employees. The plaintiff claims that the defendants issued a vague written warning about unsatisfactory sales and a failure to respond to his supervisor in a timely manner. The plaintiff claims that neither COVID-19 nor its impact on sales were listed as “cause” for termination in the employment agreement. Thus, the plaintiff has alleged that the defendant breached the employment agreement, and seeks relief from enforcement of the non-competition provisions.

**May 29, 2020**
Mattson, et al. v. WTS International, Inc. (Middle District of Florida)
The four plaintiffs worked as bartenders for a hospitality staffing and management company. As a result of COVID-19, all four plaintiffs were laid off. The plaintiffs allege that after they were laid off, the defendant attempted to enforce unsigned non-compete agreements. The defendant allegedly told the plaintiffs’ prospective employers that they would have to “buy out” the non-compete agreements, and then rejected the prospective employers’ offers to do so, saying that the offers were not high enough. The plaintiffs seek a declaratory judgment that the non-compete agreements are unenforceable, and claims for defamation and tortious interference.

**WARN Act**

**July 10, 2020**
Hampton, et al. v. Golden Valley Health Centers (Merced County, California)
The plaintiff filed a California WARN Act (CAL-WARN) class and PAGA action alleging that she and members of a putative class had their rights under CAL-WARN violated. The plaintiff alleges that the defendant, a
provider of health care services to the uninsured, refused her union’s proposals and laid off approximately 350 workers, some temporarily and others permanently, in the weeks after Governor Newsom issued his statewide shutdown order in response to the COVID-19 pandemic. Although the defendant gave notice of the lay-offs on April 23, 2020, the plaintiff claims that later notice did not abate the alleged violation of CAL-WARN. The plaintiff seeks back pay, waiting time penalties and civil penalties under PAGA.

May 6, 2020
Smith, et al. v. Ideal Image Development Corporation, et al. (St. Louis County, Missouri)
Six plaintiffs, who worked in sales for a medical spa, allege that defendants failed to pay them commissions owed and failed to provide notice under Missouri’s WARN Act when they were laid off as a result of the COVID-19 pandemic.

April 30, 2020
Green v. The Hertz Corporation (Middle District Florida)
Class action brought by employees who were allegedly terminated in connection with the COVID-19 pandemic. The complaint alleges that while the employer previously furloughed employees, the plaintiffs were given no advance notice prior to their terminations, purportedly in violation of the WARN Act.

April 16, 2020
Scott & Seales v. Hooters Ill Inc. (Middle District Florida)
Class action on behalf of 679 Florida employees who were allegedly terminated in connection with the COVID-19 pandemic. The plaintiffs allege that no advance notice was given prior to their termination, purportedly in violation of the WARN Act.

Whistleblower
December 23, 2020
Mersereau, et al. v. Pier Practice Solutions LLC, et al. (Monmouth County, New Jersey)
The terminated plaintiffs allege the defendants subjected them to a hostile work environment, whistleblower retaliation, harassment, disability discrimination and age discrimination in violation of New Jersey law. After working remotely per the governor’s COVID-19 stay-at-home order, the plaintiffs claim that the defendant sent its employees an email indicating “that employees would be required to resume their full-time schedules in person at the Pier Practice Office, and that any employees who did not wish to return immediately would either have to use their accrued PTO time to remain home and then go on unpaid furlough, or resign their employment.” The plaintiffs allege they had reasonable fears of returning to the office, and one plaintiff specifically wrote to the CEO suggesting that returning to work would violate the stay-at-home order. Another plaintiff emailed the CEO “stating her desire to work from home until the Governor lift[ed] his Executive Order 107.” Another plaintiff feared she would contract the COVID-19 virus at work and infect her immunocompromised relatives who lived with her, and thus requested to work remotely. After denying the plaintiff’s request to work remotely, the plaintiff alleges that she began experiencing severe anxiety and sleep
deprivation related to her treatment. The plaintiff alleges that she complained to the CEO about the retaliatory harassment she was facing following her request to work remotely. Each of the plaintiffs allege that their terminations were pretextual and in retaliation for their requests to work remotely. The plaintiffs seek relief under New Jersey’s Conscientious Employee Protection Act, as well as equitable relief for the defendant’s alleged retaliation in violation of public policy, including that the defendants undergo anti-retaliation training, anti-harassment training, and workplace civility training.

December 21, 2020

John Sloan v. Cape Regional Medical Center, Inc., et al. (Cape May County, New Jersey)
The plaintiff, a director of plant operations, claims his employer violated New Jersey’s Conscientious Employee Protection Act after he complained to the hospital’s executives that the hospital was purportedly sacrificing the health and welfare of employees and patients during the COVID-19 pandemic, and alleges he was terminated as a result of those complaints. Specifically, the plaintiff claims that he complained that the hospital was failing to implement proper safety procedures, keep up with hospital maintenance, and follow social distancing PPE guidelines, placing employees and patients at great risk. By way of example, the plaintiff alleges that his employer “permitted and directed employees to wear homemade cloth masks instead of medical grade masks, face shields and N-95 masks when treating patients, despite the PPE not being rated for airborne safety of employees.” The plaintiff claims that because he raised complaints and/or threatened to disclose complaints to local agencies, his employer took retaliatory action against him by terminating him.

December 17, 2020

James Glover III v. Economical Janitorial & Paper Supplies, LLC (Western District of Louisiana)
The plaintiff, a janitor, claims he was wrongfully terminated after he voiced “safety concerns” on the Facebook page of the hospital where he was contracted to work, stating that the hospital did not supply masks to drivers despite the fact they were required to bring product inside the hospital. The plaintiff alleges that his employer texted him and told him that his “job was not in jeopardy,” yet he was terminated several days after his Facebook posts, allegedly “due to the pandemic.” The plaintiff believes he was terminated because he voiced safety concerns.

December 15, 2020

Haraguichi, et al. v. Suzies Retail HI Inc., et al. (Honolulu County, Hawaii)
The plaintiffs are a group of employees who worked for the defendant at its retail store in Hawaii. The plaintiffs allege that the defendant instructed them to reopen its store, which the plaintiffs believed violated the mayor’s stay-at-home/work-from-home orders issued in response to the COVID-19 pandemic. The plaintiffs assert that the defendant “falsely claimed that they had consulted with the state of Hawaii and were ‘essential businesses’ despite the clear wording of The Second Stay at Home/Work from Home Order.” Accordingly, the plaintiffs claim they told the defendant they were reluctant to open the store, and would only agree to report to work if the store was closed to the public. The plaintiffs claim as a result of them voicing concerns about being “forced to violate” the mayor’s orders, they were all terminated. The plaintiffs further allege the defendant’s purported reason for their termination, i.e. not showing up to
work, was a pretext, and they were actually fired for complaining about the defendant violating the mayor’s orders. The plaintiffs allege their termination was retaliatory, allegedly violating the Whistleblower Protection Act and public policy. They also bring a cause of action for slander and libel, alleging that the defendant made up false reasons for their termination, and then published this reason to third parties in order to deny the plaintiffs unemployment benefits.

December 14, 2020
Jiminez v. Community Hospital of San Bernardino (San Bernardino County, California)
The plaintiff, a hospital employee, filed a complaint against her employer for whistleblower retaliation and wrongful discharge. The plaintiff alleges her employment was terminated both for her complaint to her employer that it was not providing her adequate personal protective equipment to prevent a safety hazard in light of COVID-19, and for her lawful use of CFRA/FMLA leave. The plaintiff seeks past and future wages, special damages, punitive damages, interest, attorneys’ fees, and costs.

December 9, 2020
Reed v. Purpose Driven Transport Inc., et al. (Orange County, California)
The plaintiff, a driver, alleges that during the COVID-19 pandemic, he “began to notice that drivers and other employees . . . were not following health protocols,” including “sanitizing and wearing masks.” The plaintiff claims that “on multiple occasions” he “made a complaint to his superiors and to the owner of the company.” According to the complaint, when the plaintiff “saw that there was no use in making additional complaints, [he] made a complaint to OSHA” in August 2020, and was subsequently terminated on August 30. The plaintiff alleges that his termination was in violation of California public policy.

December 8, 2020
White v. Andy’s Produce Market, Inc., et al. (Sonoma County, California)
The plaintiff, an hourly worker, filed suit against her former employer for alleged wrongful termination and retaliation in violation of California law. The plaintiff alleges that the defendant was required by state and county rules and regulations to abide by public health and safety guidelines in order to stop the spread of COVID-19. However, the plaintiff alleges that the defendant’s employees and supervisors failed to abide by these public safety requirements. The plaintiff alleges that she complained to her supervisors on multiple occasions, to no avail. As a result, the plaintiff alleges that she escalated her complaints to the company CEO, who allegedly assured her that her supervisors would comply with the public health guidance. Despite this assurance, the plaintiff alleges that other employees and supervisors continued not following public health guidelines. The plaintiff alleges further that after she complained, her supervisors began to increase her work load, and became overly critical of her performance. The plaintiff alleges that the she continued to complain about her concerns regarding the lack of compliance with COVID-19 safety protocols, which, according to the plaintiff, ultimately led to her termination. Based upon these allegations, the plaintiff claims that the defendants wrongfully terminated her and retaliated against her in violation of California law and public policy.

December 7, 2020
Britton v. Oakland Hills Country Club (Oakland County, Michigan)
The plaintiff, "a long-term employee with the" defendant country club, alleges she was unlawfully terminated on October 14 in retaliation for making a complaint to a public body regarding COVID-19 violations. Specifically, the plaintiff alleges that she was fired “because she had threatened to and had made an actual complaint with a Public Body (MiOSHA), about what she, in good faith, suspected [and] believed to [be] violations of the laws, regulations and rules promulgated” by the state of Michigan relating to COVID-19. The plaintiff claims that her employer knew that the plaintiff made the report days before the plaintiff was terminated. The plaintiff further alleges that her employer had “no legitimate, non-retaliatory reasons to terminate” the plaintiff and that “the reason proffered by [the employer] was pretextual.” The plaintiff alleges that she was terminated in violation of the Michigan Whistleblower’s Protection Act.

December 4, 2020
Paye v. Elwyn of Pennsylvania and Delaware (Philadelphia County, Pennsylvania)
The plaintiff, a caretaker at a human services organization that provides care to individuals with disabilities, claims the defendant fired her in retaliation for raising concerns to her superiors about the lack of proper PPE available to employees. Specifically, the plaintiff alleges that on multiple occasions, she reported to the operations manager and the union representative that the defendant was not providing its staff with enough PPE, was not providing COVID-19 tests to its employees, and had failed to notify her that she had been in contact with another employee who had tested positive for COVID-19. The plaintiff further alleges that the defendant falsely accused her of mishandling funds, which led to an investigation and suspension of pay. The plaintiff claims that after the defendant’s investigation was completed, there was no finding that she mishandled funds, but there was a determination that she gave false statements to an investigator and, therefore, her employment was being terminated. The plaintiff denies giving false statements to the investigator, and claims her termination was instead in retaliation for reporting the lack of PPE to her superiors, in violation of Pennsylvania’s whistleblower statute and public policy. She also brings a claim for intentional infliction of emotional distress for the defendant’s purported failure to provide PPE and notify her that her co-worker tested positive for COVID-19. Furthermore, the plaintiff brings an assault claim, arguing that the defendant’s failure to provide PPE put the plaintiff in fear of coming into contact with COVID-19. Finally, she brings a claim for loss of companionship and consortium for the time she had to spend in quarantine away from her family because she had come in contact with an individual at work who tested positive for COVID-19.

December 2, 2020
Rivera v. Recovery Innovations, Inc., et al. (Riverside County, California)
The plaintiff worked as a mental health professional in one of the defendants' treatment facilities. She claims to have complained to higher-ups that the defendants were not providing employees with adequate PPE. According to the plaintiff, she also complained after the defendants allegedly decided to admit an individual who presented with COVID-19 symptoms. The plaintiff claims she asked the defendants to reverse the decision, or allow her to go home for the day, and they refused. The plaintiff left work early despite the refusal. Her termination
followed. The plaintiff sued, arguing that her termination violated state common law and statutory protections for employees who 1) disclose information reasonably believing there has been a violation of law, 2) express concerns about workplace health and safety, and/or 3) refuse to perform work that would create a real or apparent hazard in the workplace.

**November 23, 2020**  
*Musacchio v. The Hertz Corporation* (Eastern District of New York)  
The plaintiff, a sales and finance manager at one of the defendant’s retail auto sales showrooms, alleges that he was wrongfully terminated after he objected to the defendant’s alleged violations of Governor Cuomo’s stay-at-home order issued during the COVID-19 pandemic. According to the plaintiff, despite the order that non-essential businesses reduce their in-person workforce by 100 percent, managers were directed to report to work to “wrap up, plan and schedule for the next few weeks.” On March 23, the plaintiff emailed his supervisor, disagreeing with the determination that managers were essential workers and stating concerns about his health and that of his elderly mother, who had underlying health conditions. The plaintiff offered to participate via telephone. The next day, the employees at the plaintiff’s location were told that they were being furloughed immediately due to COVID-19. On April 14, the regional general manager telephoned the plaintiff and terminated him due to a “reduction in workforce,” but told him he should reapply after COVID-19 was under control. Two weeks later, the defendant brought all other employees who worked at the showroom where the plaintiff worked back from furlough. In June, after learning that his former position and the same position at another location were open, the plaintiff applied for reemployment at both. Although the plaintiff contacted his supervisor and the general manager at the second location (who originally told the plaintiff the open position was his if he wanted it), the plaintiff never heard back from either manager. In fact, a coworker told him that his supervisor was hesitant to rehire him because he did not like his email regarding Governor Cuomo’s order. Although the plaintiff made several additional attempts to get rehired, he was not rehired. He claims the defendant’s failure to rehire him violates New York’s whistleblower law.

**November 17, 2020**  
*Richards v. Comprehensive Behavioral Health Associates, Inc.* (Mahoning County, Ohio)  
The plaintiff, a licensed professional clinical counselor, filed a complaint against her employer for retaliation and wrongful demotion. The plaintiff alleges that in the course of her employment she raised numerous complaints to her employer about various workplace practices, including complaining that her employer did not provide sufficient PPE to its employees and did not provide sufficient notice to staff or clients when staff were positive for COVID-19. The plaintiff alleges that her employer failed to investigate her complaints, and that she reported her complaints to the area health department. The plaintiff alleges that her employer then demoted her repeatedly with corresponding losses of responsibility and pay. The plaintiff alleges violations of the Ohio Whistleblower Statute and wrongful demotion in violation of public policy. The plaintiff seeks an award of lost earnings, punitive damages, reinstatement, pre-judgment and post-judgment interest, attorneys’ fees and costs.

**November 5, 2020**
Taidgh Barron v. New York Post and News Corp. (New York County, New York)
The plaintiff, a staff photographer, claims retaliation under New York’s whistleblower act for his termination, which occurred after he requested that his employer provide him and other photographers and reporters PPE to protect against the transmission of the COVID-19 virus while covering the pandemic and the Black Lives Matter protests in New York City. The plaintiff claims that his employer failed to provide masks to photographers who were required to be in close proximity with other individuals in order to cover local stories in New York City. According to the plaintiff, he was required to be in close proximity with the Metropolitan Transportation Authority’s chief executive officer, who was not wearing a mask and who reportedly tested positive for COVID-19 the following day. The plaintiff also alleges that he was required to stand outside COVID-19 “hot spots” in order to interview and photograph building residents who had been exposed to the virus, and that he was required to go to Grand Central Station to shoot a time-lapse video spanning 15 hours. The plaintiff claims that after he requested that PPE be provided to him and others, his employer allegedly terminated him, claiming its decision “was a financial one,” despite the fact that his employer continued to hire more expensive freelance photographers.

November 4, 2020
Dr. Aaron A. Wohl, M.D. v. Lee Memorial Health System (Lee County, Florida)
The plaintiff, an emergency medicine specialist, claims his employer terminated him after he objected to the hospital’s “reckless COVID-related ‘profits over people’ decisions,” in violation of Florida’s Public Whistleblower Act. The plaintiff alleges that his employer terminated him without justifiable cause after he voiced his concerns to management about the misguided profit-driven decisions and his employer’s COVID-related policies during the pandemic. For example, the plaintiff claims that the hospital wanted to save money on PPE supplies by purchasing less-expensive N95 masks and relying on questionable sterilization procedures not approved by N95 manufacturers. The plaintiff stated that the hospital’s proffered reason for his termination was that “things simply weren’t working out” and the he was “no longer a cultural fit for the system,” despite his fifteen years of tenure without incident.

November 2, 2020
Ashlee Bennett v. Palm Beach Tan Inc. (Dallas County, Texas)
The plaintiff was a district manager for the defendant. An April 27 executive order permitted the reopening of “essential services,” but did not permit the reopening of “cosmetology salons.” Nevertheless, the defendant ordered store managers and district managers to report to work on April 29 and April 30 to prepare for reopening, “to refuse compliance with judicial orders and [the April 27 executive order], and to tell compliance officers that Defendant’s salons were ‘facilities’ and not tanning salons.” The defendant removed language from its website and instructed the plaintiff to remove any materials from the stores referring to them as “salons.” According to the plaintiff, the defendant advised her that it “would pay for any citation an employee received for violating Executive Order GA18, and directly ordered [her] and other staff to defy the Governor’s Orders.” On May 5, the governor issued an executive order that tanning salons could not reopen until May 8. In May 2020, the
The defendant ordered the plaintiff not to inform employees about a coworker’s positive COVID-19 test or to warn them about a possible exposure. The plaintiff alleges that she began experiencing symptoms of COVID-19 and that the defendant ordered her to make in-person store visits while she awaited the results of a COVID-19 test. After her daughter began experiencing symptoms of COVID-19 as well, the plaintiff claims she continued to work in-person “for fear of her job security.” She alleges that on “myriad occasions” she objected to the defendant’s business practices which she believed to violate executive orders and company policies, and alleges that she was terminated in retaliation for this internal whistleblowing.

Pollon v. Treatment Management Solutions, LLC dba Serenity Oaks Wellness Center (Broward County, Florida)
The plaintiff worked for the defendant as its director of operations. From fall 2019 through spring 2020, the plaintiff alleges that he made myriad complaints about the conduct of other employees. These complaints included, among others, allegations that other employees permitted individuals who were not employees of the defendant to access medical records in violation of the Health Insurance Portability and Accountability Act; allowed the defendant’s patients to stay in a home that had not been inspected for use by the Florida Department of Children and Families; allowed the patients to be served food from a kitchen which had also not been inspected and licensed; directed HR to “hire more white nurses;” and condoned fraudulent billing practices by a physician who provided care to the defendant’s patients. Most recently, the plaintiff alleges he complained about the defendant’s lack of screening protocols for incoming patients to protect the facility’s current residents from COVID-19 exposure. The plaintiff claims that at the time of his complaint, the defendant’s facility had a COVID-19 outbreak with 14 staff and six patients testing positive, yet was still admitting new patients with serious underlying health conditions, in violation of the Universal Infection Control Standards of the Florida Administrative Code. The plaintiff alleges that the defendant responded to his complaint by stating that if he was not comfortable admitting new patients, he should “pack his bag and his balls.” The plaintiff claims that he knew the defendant would continue breaking the law; therefore, he resigned on June 22. He alleges constructive discharge under Florida’s private whistleblower act.

October 30, 2020
Joseph Pennisi v. MT Operating of New Jersey, LLC, et al. (Mercer County, New Jersey)
The plaintiff, a construction supervisor, claims violations under New Jersey’s Conscientious Employee Protection Act stemming from his involuntary furlough after he complained to his supervisor about the lack of proper PPE. The plaintiff alleges that he contracted COVID-19 at work because he went to several inspection sites where he was required to interact with employees who he later learned had tested positive for COVID-19. The plaintiff alleges that he told his supervisor that he believed he contracted the virus because his employer did not provide PPE, including facemasks. The plaintiff further alleges that he was forced to use two weeks’ vacation time while he was off work due to COVID-19 and was then furloughed for nearly five months, despite his position remaining active and another employee continuing to perform his duties. The plaintiff claims that his employer retaliated against him because he engaged in protected activity when he complained about his employer’s
October 29, 2020

Webb v. Euclid Beach Healthcare (Cuyahoga County, Ohio)
The plaintiff, a nurse, alleges that in early April she complained to the defendant that it was not complying with COVID-19-related orders affecting healthcare facilities. After the plaintiff took a day off work to see her doctor, she claims the defendant ordered her to get a COVID-19 test and stay home until she had a medical release. The complaint does not explain whether she received a test or returned to work, but on May 4, the plaintiff allegedly informed the defendant that she needed time off from work to care for an “at-risk” relative and her three children, who could no longer attend school because of COVID-19. The same day, the plaintiff purportedly sent the defendant an email in which she said she was reporting the alleged violations of state COVID-19 health orders to the defendant. The defendant allegedly responded by terminating the plaintiff’s employment the next day for refusing to report to work. The plaintiff then sued the defendant for retaliation and wrongful termination under state laws protecting whistleblowers.

October 27, 2020

Smith v. GN Hearing Care Corp., d/b/a GN Resound (Hennepin County, Minnesota)
The plaintiff worked as a senior marketing specialist for the defendant. As part of her job duties, the plaintiff alleges that her supervisor tasked her with drafting the defendant’s COVID-19 preparedness plan, as required by executive orders issued by the governor of Minnesota. The plaintiff further alleges that her supervisor both provided content and approved the plan she drafted. The plaintiff claims that despite her positive performance reviews, the defendant accused the plaintiff of plagiarizing from a competitor’s “Back to Work Guide,” to which the plaintiff responded that her supervisor provided the content in question. Allegedly, the defendant terminated her anyway. The plaintiff claims that the defendant terminated her because of her efforts to comply with and perform work that was required by the governor of Minnesota’s executive orders, in violation of the Minnesota Whistleblower Act and public policy.

October 13, 2020

Garcia v. The City of Houston (Harris County, Texas)
The plaintiff was a senior human resources generalist for the defendant. She alleges that on March 29, she emailed a council member and stated that city employees were told that they were expected to show up to work in person during the COVID-19 pandemic, even if telecommuting was a viable alternative for those at high risk or those experiencing symptoms. She claims that she informed the council member that she was bringing this to her attention because there were people at risk of contracting COVID-19 or spreading COVID-19, and that the city could limit that risk. She alleges that on April 7, she appeared before the city council and reiterated her concerns, and expressed her view that employees should be permitted to work from home. She claims that at the end of her presentation, the mayor was visibly upset and told her that the policies at issue were his policies. She alleges that on June 18, the mayor issued a voluntary furlough program, and that on July 14, she requested more information about the program, but did not actually submit a furlough request. She claims that on July 15, instead of providing her with additional information, the city terminated her employment and denied her
furlough request because she “did not indicate how long [she] would be out and when [she would be] able to return to work.” She alleges that she was terminated as a result of her complaints about the city’s policy of requiring employees to work in-person during the pandemic. She brings one cause of action under the Texas Whistleblower Act.

**October 10, 2020**

*Williams v. Berkeley Heights Dental Group PA* (Union County, New Jersey)

The plaintiff worked as a dental hygienist for the defendant, a dental practice. In March, the defendant laid off the plaintiff when it closed temporarily due to the COVID-19 pandemic. The plaintiff asserts that when the defendant prepared to reopen, it contacted her about returning to work. The plaintiff claims she repeatedly questioned whether the defendant’s plan to supply the plaintiff with only one mask and one cloth gown per day would comply with state and federal COVID-19-related guidelines and regulations regarding PPE. In June, the plaintiff asserts that the defendant offered to recall her to work if she signed an “employee release/consent” form, which allegedly required the plaintiff to waive her workers’ compensation rights. (The plaintiff’s complaint does not specify whether the alleged waiver was COVID-19-specific.) According to the plaintiff, she questioned the legality of this waiver, and in response the defendant terminated her employment, purportedly in violation of state laws protecting employee whistleblowers.

**October 7, 2020**

*Bruno v. Omni Systems* (Cuyahoga County, Ohio)

The plaintiff, a former employee of a manufacturer, filed a complaint against his employer for wrongful termination and violation of state whistleblower protection laws. The plaintiff alleges that in light of the COVID-19 pandemic and state public health orders, he repeatedly approached his employer with workplace safety recommendations, which were rejected. The plaintiff claims that during one of his written exchanges with a supervisor about safety recommendations, he was written up for an unspecified quality issue, sent home, and then terminated. The plaintiff alleges wrongful termination and violation of state whistleblower laws for reporting what he reasonably believed to be violations of state health orders. The plaintiff seeks an unspecified award of compensatory damages, punitive damages, costs, and an award of attorneys’ fees and costs.

**October 6, 2020**

*Duffy v. Berkeley Heights Dental Group PA* (Union County, New Jersey)

The plaintiff was a dental hygienist for the defendant dental group. Due to the COVID-19 pandemic and related executive orders, the defendant closed on March 20. The plaintiff alleges she was “temporarily laid off and/or furloughed from her position subject to later reopening from the COVID-19 pandemic.” When she was contacted regarding the anticipated reopening and the calling back of employees from their respective layoffs and furloughs, the plaintiff claims she “strenuously objected to and questioned the Group’s compliance with the reopening requirements” and CDC guidelines and OSHA regulations. She alleges that “management was hostile,” and failed to address her concerns. In response to a litany of specific concerns, the plaintiff alleges that a member of management responded: “we’ve been closed for two months, you’re going to cost me money.” In response to some of the plaintiff’s specific safety
recommendations, she alleges she was told “well that's not going to happen.” In response to the plaintiff’s concerns about PPE, management displayed a “clear negative animus to the concerns and objections being made.” In addition, one of the dentists allegedly “ended the conversation with [the plaintiff] by indicating ‘why don’t you do your thing and I’ll do mine,’ ceasing communication with [the plaintiff] about her employment and/or the reopening thereafter and thus seemingly terminating such employment thereafter as verified in a letter dated August 14, 2020.” The plaintiff brings claims under the New Jersey Conscientious Employee Protection Act and public policy.

**Odom v. Brandon Facility Operations LLC** (Hillsborough County, Florida)
The plaintiff was a business development liaison for a skilled nursing facility. She claims that on March 19, she requested a meeting with the executive director to discuss her concerns regarding her safety as cases of COVID-19 increased. The plaintiff alleges that the executive director told her that Tampa General Hospital, where she worked, should provide PPE. The plaintiff claims that she responded that the hospital was not her employer and that she would reach out to a governmental agency if the defendant was not willing to provide PPE. The plaintiff alleges that on March 27, she learned about a similar position at a different hospital and asked the executive director about possibly applying. She alleges that the executive director then approved her application and posted an ad to fill the plaintiff’s current position, even though the plaintiff had not applied for or accepted the new position. Shortly thereafter, the plaintiff alleges that she complained to human resources that the work environment had become hostile and unsupportive. The plaintiff alleges that she was then transferred to a different facility. She claims that she noticed there were no functioning thermometers for employee temperature checks, but that employees were still being permitted to enter the building. The plaintiff allegedly complained to the traveling executive director about this, and shortly thereafter, was presented with a performance improvement plan which required her to achieve 15 new admissions per week. The plaintiff alleges that this was an unattainable goal, and that she was terminated for not meeting the goal on June 19. The plaintiff claims that this was a pretext, and that she was actually terminated in retaliation for her complaints. She brings one cause of action for violation of Florida’s Private Whistleblower’s Act.

**October 5, 2020**

**Devine v. Chaminade University of Honolulu** (O‘ahu, Hawaii)
The plaintiff was the VP of Enrollment Management for the defendant. On Aug. 4, a staff member in the plaintiff’s office tested positive for COVID-19. The VP of Human Resources allegedly told the plaintiff not to inform anyone else in his office about the employee’s diagnosis. However, the plaintiff alleges that the VP of Human Resources violated this protocol the next day by telling another employee about the positive COVID-19 diagnosis. The plaintiff confronted the VP of Human Resources about this supposed breach of protocol. In this same conversation, the plaintiff raised concerns about the defendant’s readiness for students to come on campus and also offered his thoughts as to how the defendant could be better prepared. At an Aug. 11 Presidential Cabinet meeting for the defendant, the plaintiff again shared his concerns about what he perceived to be a lack of preparedness to deal with a potential COVID-19 outbreak when students return to campus, including protocols for keeping health information private. On Aug. 17, the plaintiff was called into a
meeting with the defendant’s president, who asked for his resignation. The plaintiff refused to resign, and was terminated three days later. In terminating him, the defendant’s president allegedly “specifically referenced [the plaintiff’s] comments about Defendant’s poor handling of the positive COVID-19 test during the Presidential Cabinet meeting,” and also noted some performance concerns that the plaintiff alleges were never brought to his attention. The plaintiff sued the defendant under the Hawaii Whistleblower Act for terminating him in retaliation for raising concerns about the defendant’s alleged violation of public policy regarding the COVID-19 pandemic.

October 1, 2020
Liliana McCollum v. Professional Health Examiners, Inc. (Escambia County, Florida)
The plaintiff, a former phlebotomist, alleges the defendant unlawfully terminated her after she complained of an unsafe workplace during the COVID-19 pandemic. On March 23, the plaintiff alleges that she became concerned that the defendant was not providing proper PPE to the clinic where she worked. The plaintiff, who is a cancer survivor, and her co-workers were all considered high-risk for COVID-19, due to various health conditions. On June 29, the plaintiff alleges that she received an email stating her supervisor had been diagnosed with COVID-19 and that those who came into contact with her, like the plaintiff, should be tested. On July 2, the plaintiff took a COVID-19 test, which came back negative. On July 17, however, the plaintiff received an “urgent COVID positive result” voicemail from the clinic where she took her COVID-19 test, informing her that she had tested positive. On July 19, the plaintiff sent an email to her employers advising them of her positive test result and requested an investigation be conducted into safety and reporting protocols. On July 20, the plaintiff alleges that the defendant emailed the plaintiff’s termination paperwork, citing “performance issues” as reason for termination. The plaintiff filed a one-count complaint alleging the defendant violated the Florida private whistleblower act by unlawfully terminating the plaintiff and retaliating against her complaints.

September 30, 2020
Gore v. Regency Integrated Health Services LLC dba Guadalupe Valley Nursing Center, et al. (Bexar County, Texas)
The plaintiff was a licensed vocational nurse at a long term care facility. She alleges that by May, her patient load increased and she was required to work 60-72 hours per week. She claims that she “and others voiced concerns,” including that “as a result of these shortages, patients were not receiving adequate care,” but the facility’s administrator “failed to address the situation.” When the facility had its first positive COVID-19 test, the plaintiff alleges that this further reduced staffing and increased her workload. The plaintiff claims “patient care was suffering as a result of the staff being spread so thin,” and that the administrator “continued to ignore [her] complaints.” On July 6, the plaintiff alleges that she learned there was only one CNA on duty for the entire facility, but that the administrator “refused” to address the issue. The plaintiff alleges that she reported the situation to that state, which “ultimately concluded that there was sufficient staff in the building” purportedly due to false witness statements. When the administrator attempted to assign the plaintiff to care for COVID patients, the plaintiff refused due to the potential for infecting other patients, and again notified the state. Later, according to
the plaintiff, a resident's spouse made a complaint about her. The plaintiff alleges that the spouse “had previously made many unfounded complaints about staff members,” and had made another false claim against the plaintiff. The plaintiff was informed that the facility deemed the complaint valid and the plaintiff was terminated. The plaintiff claims she was actually terminated due to her complaints to management and to the state, “the latter of which resulted in [three Citations of Immediate Jeopardy] being issued against the facility.” The plaintiff brings claims for retaliatory discharge under the Texas Safety Code and Occupations Code.

*Phillip Hall v. Moeller Mfg. Co. LLC* (Oakland County, Michigan)
The defendant hired the plaintiff as a production supervisor in November 2019. The plaintiff thereafter worked more than 60 hours a week on third shift at $25 per hour. On April 1, the defendant reduced its workforce due to the COVID-19 pandemic, and the defendant’s third shift crew was reduced from about 170 to 60 workers. The plaintiff claims that his hours as supervisor were reduced, including on June 22, when he went from working about 50 hours per week to 40 hours per week (which he claims was about 20 hours per week less than his pre-pandemic schedule). After learning about the Pandemic Unemployment Assistance program, the plaintiff talked with his boss about unemployment insurance options for his coworkers, and was told that if workers qualify for the benefits they should apply. The plaintiff reportedly understood that he had permission to discuss unemployment options with his coworkers, which he did. On July 16, the plaintiff, the plant manager, and the plaintiff’s manager received an email from the operations manager telling the plaintiff not to apply for unemployment insurance because it would be fraud. Later that day, the plaintiff admitted that he already applied for unemployment compensation benefits. The next day, the defendant terminated the plaintiff’s employment because he was not forthcoming in filing for unemployment benefits. The plaintiff claims that the defendant discharged him from employment because he participated in an investigation, hearing or inquiry by a public body and applied for unemployment benefits. The plaintiff accuses his former employer of violating Michigan’s Whistleblower Protections Act and public policy.

*September 23, 2020*
*Montes v. Borinquen Health Care Center, Inc.* (Miami-Dade County, Florida)
The plaintiff worked as a licensed practical nurse for the defendant. At some point after the COVID-19 pandemic broke out, the plaintiff complained to his supervisor about allegedly inadequate PPE and lack of social distancing. The plaintiff alleges that after his complaints, the defendant “harassed” him by “complicating his work,” by, for instance, not disclosing dates and start times by which he was supposed to report for work. Moreover, the plaintiff alleges he was ultimately terminated “within months” of complaining about inadequate PPE and social distancing. The plaintiff sued the defendant alleging that his termination was unlawful retaliation for his complaints pursuant to the Florida Whistleblower Act.

*September 22, 2020*
*Brookstein v. Alliance OB/GYN Consultants, LLC* (Burlington County, New Jersey)
The plaintiff worked as a receptionist for the defendant and assisted the doctors with some procedures. In March, the governor of New Jersey
issued an order shutting down non-essential businesses, but by late May, the defendant was allowed to resume performing elective surgeries and procedures. The New Jersey Department of Health issued guidance on such procedures with requirements as to how those procedures should proceed in light of the COVID-19 pandemic. The defendant issued its own internal protocols for conducting these operations, one of which was to require all patients to provide a negative COVID-19 test result before coming in for their procedure. On July 22, the plaintiff learned that one of the patients scheduled for the next day had not provided a negative test result. When the plaintiff raised a concern with the head doctor's assistant, she allegedly became angry and told the plaintiff that the head doctor had decided to perform the procedure anyway. The next morning, the doctor told the plaintiff that the patient had brought her negative test result that morning. The plaintiff double-checked, and discovered that the patient had not actually turned in a negative COVID-19 test result.

According to the complaint, the plaintiff then confronted the doctor about allegedly lying to her and reiterated her discomfort with assisting with the procedure. The plaintiff reluctantly assisted with the procedure, but after she learned that the doctor had performed another procedure earlier in the day without receiving a negative test result from the patient, the plaintiff gathered her belongings, resigned her position, and left the facility. The plaintiff sued the defendant under the New Jersey Conscientious Employee Protection Act, alleging she was constructively discharged in retaliation for raising complaints about what she believed to be violations of clear public policy.

September 21, 2020
Matthews v. Paradigm Healthcare, LLC (Harris County, Texas)
The plaintiff was employed by the defendant, a nursing home. In late June, the plaintiff and the defendant’s facility director were informed by a staff member that unspecified biohazardous waste from the COVID-19 unit was overflowing outside of the facility. The plaintiff alleges that instead of properly disposing of this waste, the defendant was “throwing it out the back of the COVID-19 unit for resident and employees to have to walk through.” Instead of addressing the problem, the facility manager purportedly left on vacation. While the facility manager was on vacation, the plaintiff allegedly attempted to address the issue, informing the maintenance crew of the problem. However, the maintenance crew supposedly told the plaintiff that the shed where the waste was supposed to be kept was full. Upon the facility manager’s return, the plaintiff complained to him about the improper disposal of the waste and the danger it posed to employees and residents. The facility manager allegedly became upset and tried to “squelch” the plaintiff’s complaint. The plaintiff proceeded to report the issue to the defendant’s chief operating officer, and to make a complaint to the defendant’s internal hotline. The next day, the plaintiff was terminated. The plaintiff sued the defendant under Texas law prohibiting termination of an employee in retaliation for reporting a violation of the Health and Safety Code to, among others, the employee’s supervisor.

Michael v. Next Level Home Audio and Visual, Inc. (San Juan County, New Mexico)
The plaintiff worked as a technician for the defendant. In March, during an all-company conference call to discuss the COVID-19 crisis, the plaintiff claims he discussed the potential dangers of the virus. The defendant’s president allegedly responded by accusing the plaintiff of “fear
mongering.” According to the complaint, the plaintiff told his supervisor that the defendant seemed more concerned about “the bottom line than the health and safety of its employees and the public.” The supervisor allegedly threatened the plaintiff with termination if he repeated the accusation publicly. Later in March, the plaintiff’s home state issued a formal stay-at-home order and the plaintiff self-quarantined for two weeks. When the plaintiff returned to work, he claims there was no masking, social distancing or supplies for handwashing. The plaintiff asserts that he continued to wear a mask and that his supervisor once ordered him to remove his mask in a customer’s home, so “as not to make the customer uncomfortable.” The plaintiff continued working, but filed several non-compliance reports against the defendant with his state’s health department and OSHA. In June, after asking about self-quarantine guidelines following business travel, the defendant’s president called the plaintiff into another meeting. In this meeting, the plaintiff contends he revealed that he had reported the defendant to authorities for violating COVID-19-related health and safety orders. The defendant’s president allegedly responded, “get the f*** out of my office,” and “go twiddle your thumbs and get your government check.” The plaintiff asserts that the defendant terminated him, violating state law prohibiting retaliation against those who report possible health and safety violations.

**September 18, 2020**

*Bobe v. Triangle Auto Center, Inc.* (Southern District of Florida)

The plaintiff worked as sales manager for the defendant, a car dealership. He alleges that, in March 2020, one of the defendant’s managers returned to work following a European trip during a spike in the COVID-19 pandemic, instead of first self-quarantining for 14 days. The plaintiff purportedly complained that the manager’s return to work violated county emergency and state executive orders relating to COVID-19, as well the Occupational Safety and Health Act, and that in response to his complaints, the defendant’s managers “berated” him. The plaintiff also claims that the defendant instructed employees not to wear masks or gloves, told managers to send home any employees who wanted to wear masks or gloves, and that, when he asked about safety, he was told, “we have hand sanitizer, just keep washing your hands.” When the plaintiff allegedly complained that the defendant was not observing social distancing, he claims a member of management responded, “We are Latinos and we hug and kiss each other. It’s a cultural thing.” At the end of March, the plaintiff allegedly developed a serious health condition, informed human resources of his condition and complained that the defendant was not complying with COVID-19-related safety orders. (The lawsuit does not allege that the plaintiff mentioned to human resources that he might have COVID-related illness.) According to the plaintiff, the human resources manager said he would “look into it.” Two weeks later, the defendant terminated the plaintiff’s employment, allegedly in violation of the state’s whistleblower law.

**September 16, 2020**

*Dimitrova v. Best Western Seven Seas et al.* (San Diego County, California)

The plaintiff, a catering manager, filed a two-count complaint claiming wrongful termination in violation of California Labor Code § 1102.5 and Title VII when she was terminated shortly after reporting to human resources and the defendant’s general manager that defendant’s
continued operations during the COVID-19 pandemic violated the governor’s stay-at-home order. According to the plaintiff, in 2013, one of defendant’s managers ridiculed the plaintiff, who was born in Bulgaria, for making spelling errors, and another manager frequently made references to “stupid Europeans.” Then, in March 2020, defendants required her to work as a server in the café to provide dine-in restaurant services, which, according to the plaintiff, was a clear violation of the governor’s stay-at-home order. During the one-week period when the plaintiff worked as a server, she observed several safety issues, including failure to maintain social distancing, failure to provide masks to employees, and failure to require that employees and guests wear masks. On March 27, the plaintiff informed two of the defendant’s managers of the unsafe working conditions and that the continued operation of the café violated the stay-at-home order. On March 30, the plaintiff was placed on furlough and her employment was terminated on June 26.

**Bright et al. v. Bertuca Hospitality Group (Kentucky) LLC (Jefferson County, Kentucky)**

This lawsuit involves claims by two plaintiffs, Bright (an African-American woman) and Smiley (a woman), against a restaurant that was hit hard by the COVID-19 pandemic. The plaintiffs claim that the defendant violated Kentucky law when it terminated Bright’s employment and constructively terminated Smiley, and that the defendant discriminated against them because of their gender. In addition, Bright claims that after she complained that she was being paid less than a white male who reported to her, she was subjected to a hostile work environment, disciplined unfairly, and ultimately terminated because of her race and her gender and in retaliation for her complaints. In addition to Smiley’s claim of gender discrimination, Smiley claims that after a temporary furlough that resulted from the COVID-19 pandemic, the defendant asked her to apply for unemployment benefits yet continue working for the defendant. According to the plaintiff Smiley, the defendant told her that if she did so, the defendant would pay her the other third of her salary at the “end of COVID.” The plaintiff Smiley refused to do so, believing that the conduct amounted to unemployment insurance fraud. According to the plaintiff Smiley, the defendant retaliated against her for refusing to engage in this illegal scheme by reducing the scope of her job responsibilities so significantly that she had no choice other than resignation.

**September 15, 2020**

**Stewart v. Hosparus, Inc. (Jefferson County, Kentucky)**

The plaintiff, a registered nurse employed by a health care provider operating within a hospital, filed a complaint against her employer alleging claims of retaliation and wrongful discharge. The plaintiff alleges that after a family member of a patient known to have COVID-19 entered the facility to see the patient, her employer took no immediate action. The plaintiff alleges that after she was quarantined in connection with the incident, she filed an incident report with her employer and notified public agencies including the Louisville Metro Public Health Department. The plaintiff alleges that her employment was terminated in retaliation for reporting the incident, and in violation of public policy in the Commonwealth of Kentucky. The plaintiff seeks an unspecified award of compensatory damages including lost wages and benefits, punitive damages, and an award of attorneys’ fees and costs.

**September 14, 2020**
Jason Carey v. ECA Educational Services, Inc. (Oakland County, Michigan)
The plaintiff’s son has a compromised immune system, to which the plaintiff alerted the defendant sometime in 2017. In March 2020, the defendant laid the plaintiff off, “due to the COVID-19 pandemic.” In April, the defendant began planning to reopen and met with the plaintiff to discuss the plaintiff’s return to work. During the meeting, the plaintiff and the defendant discussed the plaintiff’s concerns about returning to work without proper safety protocols in place, because of the plaintiff’s son’s compromised immune system. The plaintiff also toured the defendant’s workplace and complained to the defendant about the lack of social distancing and lack of masks on employees who had recently returned to work. At the end of the meeting, the defendant agreed to allow the plaintiff to remain laid off. In June, the plaintiff and the defendant met again to discuss the plaintiff’s return to work. The defendant agreed to allow the plaintiff to return to work on June 9. Between June 9 and June 25, the plaintiff made three complaints to Michigan’s Occupational Safety and Health Administration (MIOSHA) about employees not wearing masks, employees not practicing social distancing, and the defendant’s failure to clean and sanitize its workplace. The defendant became aware of plaintiff’s complaints to MIOSHA after MIOSHA started investigating the complaints. Soon thereafter, the plaintiff attempted to speak with the defendant about the plaintiff’s ongoing COVID-19 safety protocol concerns. In response, the defendant terminated the plaintiff’s employment. The plaintiff alleges that the defendant violated the Michigan Whistleblower’s Protection Act when he was terminated in response to his complaints to MIOSHA about the defendant’s failure to provide a safe workplace.

September 10, 2020
Reza Khan v. Piercey North Inc. dba Piercey Toyota (Santa Clara County, California)
The defendant auto dealership employed the plaintiff from 2015 to 2020 by as an hourly “automobile service advisor.” The plaintiff claims that the defendant wrongfully terminated him in retaliation for reporting or opposing unsafe working conditions, including violations of California and Santa Clara County’s shelter-in-place orders. Per the plaintiff, on-site sales continued early in the pandemic in violation of the orders. The plaintiff feared that service advisors and the repair team would be exposed to everyone who had contact with sales staff, and the plaintiff’s supervisor seemed irritated by the plaintiff’s reports. The plaintiff claims that his employer initially blamed him for an altercation instigated by another employee, and alternatively said the plaintiff would be laid off due to COVID-19, though the plaintiff was not in line to be laid off based on seniority. Ultimately, in April 2020 the defendant terminated him because he allegedly left work without permission. The plaintiff claims that his termination violated public policy and constituted whistleblower retaliation. The plaintiff also makes a range of wage-related claims, including failure to pay overtime and minimum wage in violation of federal and state law (in part because his employer reportedly instructed him not to clock in for overtime hours or shifts and falsified or shaved the plaintiff’s time records to reduce the number of reported hours worked); failure to pay for all hours worked (as required by state law), failure to furnish accurate wage statements (as required by state law); waiting time penalties (failure to pay full wage at termination, as required by state law); and failure to
provide state-mandated meal and break periods.

**September 9, 2020**

_Cariello v. Nationwide Vehicle Assurance Corp._ (Ocean County, New Jersey)

The plaintiff, a former drug addict who has maintained his sobriety for over three years, alleges that he “was subject daily to a work environment more akin to a black-market drug den than a legitimate business.” The plaintiff detailed several “chilling events [that] did not stop Corporate Defendants’ management from continuing to tolerate and, in many cases, actively support and participate in the dangerous and illegal drug bacchanalia.” The defendants allegedly did not abide by the New Jersey governor’s executive order shutting down non-essential businesses and “forced their own employees to work in contravention of state public policy, thereby endangering their lives and the lives of others.” Further, the defendants are alleged to have refused to abide by COVID-19 safety orders and guidelines. The plaintiff alleges to have reported and objected to the alleged rampant drug abuse and violations of the COVID-19 safety protocols. The plaintiff claims that in retaliation for his repeated complaints he was not promoted (while other less qualified employees were), that the best sales leads were assigned to newer and worse performing employees and that he was forced to sign a non-compete agreement under the threat of termination. The plaintiff thus asserts claims for violation of New Jersey’s Conscientious Employee Protection Act and for constructive termination.

**Adamczyk v. City of Hamtramck Public Schools** (Eastern District of Michigan)

The plaintiff was the assistant principal at a middle school in the defendant school district. On April 15 and April 20, the plaintiff filed complaints with MIOSHA alleging that the defendant was not in compliance with the governor’s executive orders relating to COVID-19 and health department directives. The superintendent allegedly chastised the plaintiff after the second complaint, telling her that she misunderstood how the executive orders applied to the defendant. The plaintiff continued to raise concerns with the superintendent about what she perceived to be non-compliance with executive orders and COVID-19 protocols. On May 20, the plaintiff received a written warning for giving direction on COVID-19 issues based on “gross misunderstandings and misrepresentations,” causing “doubt and disruption,” and causing “needless disruption, anxiety, distraction and delay of immediate and day-to-day operations.” The plaintiff filed two more MIOSHA complaints on May 29 and June 2, due to continued non-compliance with COVID-19 protocols. Around that time, in late May or early June, the plaintiff was granted FMLA leave (for an unspecified reason). On June 15, the plaintiff received yet another written warning for the same issues identified in the prior warning. On June 30, the plaintiff received her performance review, and was given a rating of “minimally effective,” which, under state law, required her to be placed on a performance improvement plan. Then, on Aug. 7, the plaintiff was informed she had been “reassigned” to be a social studies teacher. On Sept. 8, when the plaintiff returned from FMLA leave, she discovered there was a replacement assistant principal in her former position. The plaintiff sued the defendant, alleging retaliation under Michigan’s whistleblower law and failure to return her to her position after FMLA leave.

**September 4, 2020**
Woodberry v. Aspen Dental Management, Inc. (District of Minnesota)
The plaintiff worked as a dental assistant at one of the defendant’s offices. In fall 2019, the plaintiff reported the dentist she worked under to the defendant’s internal hotline for alleged abuse of patients, for performing procedures while intoxicated, and for engaging in fraudulent billing practices. The plaintiff was allegedly ridiculed by the dentist and her manager after making this report. In March 2020, the defendant closed the office where the plaintiff worked during the COVID-19 pandemic. In early May, the defendant began discussing reopening the office with employees. Originally, the defendant promised employees it would provide them with N95 masks when reopening occurred. The employees were given KN95 masks instead. The plaintiff complained about the masks to the defendant’s director of industrial relations, telling him that the CDC recommended against using KN95 masks. The director of industrial relations allegedly did not address these concerns. The plaintiff claims she had her KN95 mask fitted and tested, and that it failed the test. On May 17, the day before the office was scheduled to open, the plaintiff’s manager told her not to come to work until business picked up. On May 20, the plaintiff was informed by her manager that she was being terminated due to lack of work, and that “performance issues” were considered as well. However, the plaintiff alleges she was never written up or given any performance evaluations. The plaintiff sued the defendant under Minnesota’s whistleblower law for terminating her under the pretext of loss of business due to COVID-19, when the real reason was retaliation for reporting the dentist and for complaining about inadequate PPE.

September 3, 2020
Rose v. Dr. Brenda Coley, et al. (Russell County, Alabama)
The plaintiff is the athletic director of the Russell County School District and head football coach of Russell County High School. He alleges that the Russell County Board of Education made the decision to begin the 2020-2021 school year with virtual learning, but to allow sports to proceed with in-person practices, subject to the school system’s COVID-19 protocols. The plaintiff alleges that on Aug. 10, he reported violations of the COVID-19 protocol by baseball coaches and players. He claims that the coaches and players were not wearing masks and were not social distancing. The plaintiff further alleges that the football team had to shut down its summer practices twice due to COVID-19 outbreaks among its coaches and players, and that one of the coaches was hospitalized. He claims that he spoke out to the media that it was not safe to continue football without testing the players, since they cannot wear face masks or practice social distancing while on the field. He further alleges that on Aug. 25, he wrote an editorial in the Opelika-Auburn News about the lack of testing for high school football players. The plaintiff alleges that as a result of speaking out about the COVID-19 pandemic, he was given two disciplinary letters and was informed that he would be terminated as head football coach. He requests a restraining order prohibiting the defendants from terminating him.

September 2, 2020
Hasz v. Warden James Kimble and Deputy Warden Kimberly Johnson (Maricopa County, Arizona)
The plaintiff was a lieutenant with the Arizona Department of Corrections. On March 26, 2020, the plaintiff wrote a letter to the governor asserting
that the Department of Corrections was neither providing the employees
with PPE nor allowing them to wear their own PPE to protect them from COVID-19. This letter was provided to the media, who ran a story on it.
The plaintiff and another whistleblower were transferred to a different prison after the story aired. In July, the plaintiff and another lieutenant, also a whistleblower, were involved in an altercation with an inmate wherein the plaintiff had to use a minimal amount of force to subdue the inmate. The plaintiff alleges the use of force was in line with Department of Corrections guidelines, and the other lieutenant involved in the altercation wrote a statement indicating he thought the plaintiff’s use of force was justified and proper. The defendants began a criminal investigation regarding the plaintiff’s use of force, and gave the plaintiff an 80-hour unpaid suspension pending further action. On July 24, the plaintiff wrote another letter to the governor, asserting that the PPE problems had not been addressed by the department, and the media also ran a story on this letter. Shortly after this story aired, the plaintiff received a letter from defendant Kimble placing him on administrative leave. The plaintiff believes that defendant Johnson recommended that he be placed on leave. The plaintiff sued the defendants under Arizona’s whistleblower law for opening an allegedly pretextual investigation and for placing him on administrative leave, purportedly in retaliation for his complaints to the governor.

Sparks v. Atria Management Group, LLC, et al. (Union County, New Jersey)
The plaintiff, a receptionist at the defendants’ senior living facility, alleges that she was suspended and terminated from her employment in violation of the New Jersey Conscientious Employee Protection Act (CEPA). The plaintiff alleges that the facility’s supply of face masks and gloves frequently ran out, and that on several occasions she had to work without a face mask for one and a half hours before the executive director of the facility arrived at work to replenish the supply. Additionally, the plaintiff alleges that she was required to take the temperature of all visitors and doctors to the facility without any training as to how to properly use the thermometer. The plaintiff alleges that the thermometer did not operate properly and gave low readings or displayed an error message. The plaintiff alleges that during a meeting, she voiced her concerns about the thermometer malfunctions and her close contact with a physician who had tested positive for COVID-19. The plaintiff alleges that after the meeting, the defendants accused her of “texting staff regarding the physician’s test results; gossiping with staff; falsely stating that thermometers did not work; speaking to staff, residents and families of residents in an unsympathetic tone; and being ‘a toxic employee who badmouths’ the [defendants].” The plaintiff alleges that the defendants suspended then terminated her employment due to unsatisfactory performance, in retaliation for her purported CEPA-protected activity. The plaintiff alleges that she never received a negative performance evaluation.

August 27, 2020
Hodge v. Vista Springs, LLC, et al. (Kent County, Michigan)
The plaintiff was a corporate compliance officer for a group of assisted living communities. She alleges that she documented concerns concerning the defendants' handling of the COVID-19 pandemic, including that residents with symptoms of COVID-19 were not provided with care, residents were not being placed in quarantine, and there was not documentation to alert staff to positive test results. She alleges that
she discussed her findings with the chief wellness officer and the managing partner and nurse manager. The plaintiff alleges that she told a nurse that she was legally bound to report and discuss her findings with governmental agencies and regulators when investigations ensued. The plaintiff claims that on May 29, 2020, she was told that her position was being eliminated and that compliance and policy matters would be handled by one of the nurses. She alleges that her position was not actually being eliminated, and that this explanation was a pretext for her termination. She claims that the defendants actually terminated her to stop her from reporting her findings to state and federal agencies. She brings a claim for violation of Michigan’s Whistleblowers’ Protection Act.

August 23, 2020

_Holland v. Vesta Property Services, Inc._ (Palm Beach County, Florida)
The plaintiff worked for the defendant, a property management company, in an unspecified role. She alleges that after the COVID-19 outbreak, she asked the defendant for an accommodation under federal and state disability laws, including working remotely. According to the plaintiff, the defendant refused her accommodation request and refused to provide “a workplace that complied with OSHA and CDC guidelines.” The plaintiff claims the defendant fired her after she threatened to report her employer’s conduct to government agencies and refused to return to work. She sued under Florida’s employee whistleblower protection act.

August 18, 2020

_McClure v. Arinas Senior Care, LLC, et al._ (Oakland County, Michigan)
The plaintiff, a caregiver who cared for elderly patients at one of the corporate defendant’s senior care facilities, filed a two-count complaint against the corporate defendant and her supervisor claiming that her employment was terminated in violation of the Michigan Whistleblowers’ Protection Act and the Elliott-Larsen Civil Rights Act. According to the plaintiff, while she was working at the defendant’s senior care facility on May 29, 2020, she received a call from a State of Michigan employee, who asked questions relating to patients at the senior care facility, including how many patients had died of COVID-19 and the names of patients who had died of COVID-19 that at any time resided at the senior care facility. The next day, the plaintiff informed her supervisor of the conversation, at which point the supervisor became upset and asked what information the plaintiff had given to the state employee. The following day, the supervisor informed the plaintiff that her employment was terminated because she spoke to the State of Michigan employee.

August 17, 2020

_Clark v. Carlson Management, LLC, et al._ (Kern County, California)
The plaintiff, a memory care coordinator at a senior living community, filed a two-count complaint against the defendants, claiming she was terminated for reporting safety concerns to corporate, in violation of California whistleblower protection laws. According to the plaintiff, part of her job duties included assessing residents at other senior living facilities to see if they might be a good fit for defendant’s senior living community. At the outset of the pandemic, and after her son became gravely ill with a fever, the plaintiff told the defendant’s local management that she did not feel comfortable going to other facilities to conduct assessments, given her son’s condition and her general concerns about COVID-19. Local management agreed to allow the plaintiff to postpone the assessments. Subsequently, a representative from defendant’s corporate office sent an
email to the plaintiff and local management about the postponed assessments, instructing that the assessments should continue to take place because defendant “still [has] a business to run.” The plaintiff responded to the email, highlighting current data about the rising number of cases of COVID-19, urging the defendants to consider state mandates when determining whether to continue in-person assessments. The corporate representative responded that if the plaintiff could not perform her assigned job duties she would be happy to consider her for another position. Thereafter, local management came to the plaintiff’s office and told her to write out her resignation. She declined. Still, local management said they were accepting her resignation effective immediately and had her escorted out of the building.

**August 12, 2020**


The plaintiff claims that the defendants, a law firm and attorney, schemed to exploit the COVID-19 pandemic, pressured employees to work without pay, and used federal and state unemployment benefits to indirectly fund the operation of the law firm. The plaintiff alleges that the law firm devised a work-for-free scheme involving terminating employees, encouraging them to go on unemployment compensation, and then asking them to work for free. He claims that his pay was cut by one third, and that he complained about the law firm’s alleged work-for-free scheme, after which the plaintiff was fired. The plaintiff alleges violations of the FLSA and Louisiana whistleblower protection and unfair trade practices statutes. The plaintiff seeks general, compensatory, and special damages, future earnings, back pay, front pay, liquidated and punitive damages, attorney fees, and other relief.

**August 11, 2020**

*Kristi Grimm v. Canfield Place Retirement Community LLC* (Multnomah County, Oregon)

The plaintiff alleges COVID-19 whistleblower discrimination and retaliation. The plaintiff claims that in early August 2020, she made a complaint to the defendant, a retirement community, of a suspected OSHA violation. Specifically, she reported that the defendant was allowing a symptomatic worker to return to the retirement community without first testing negative for COVID-19, because the defendant was short-staffed. The plaintiff claims that her employer then discriminated and retaliated against her through workplace discipline. The plaintiff claims non-economic damages not to exceed $950,000 for emotional harm and interference with daily life activities and other relief.

**August 6, 2020**

*Hagon v. Global Home Imports Inc.* (Maricopa County, Arizona)

The plaintiff was an office manager, and alleges that she was wrongfully terminated in violation of the Arizona Employment Protection Act. The City of Phoenix adopted an ordinance “mandating the wearing of masks anytime an individual leaves his/her home and ordering that the mask be worn at all times whenever an individual is within six (6) feet of another person.” The plaintiff alleges that when she came to work after the ordinance went into effect, she wore a mask as required, but “no one else was wearing a mask.” As a result, she emailed her supervisor and explained that she would work remotely “until everyone in the office could comply” with the mask requirement. Her supervisor responded that he
understood her concerns. One week later, the plaintiff claims she again emailed her supervisor explaining that “she was ready to come back to work in the office, assuming that the office had implemented a mask policy that was in compliance with the new mask laws.” The plaintiff alleges that two hours after she asked about the mask policy, she was terminated “for alleged performance issues.” The plaintiff alleges that her termination was actually in retaliation for raising the mask issue a second time.

**August 4, 2020**

*Brown v. Biomat USA Inc.* (Cook County, Illinois)
The plaintiff was the operational supervisor for a plasma donation center. The plaintiff claims that he reported to the FDA and the Plasma Protein Therapeutics Association that “his center was not adhering” to COVID-19 regulations from the CDC. Specifically, the plaintiff alleges he reported that: the center was permitting too many people in the building without appropriate social distancing, the center did not appropriately reduce the number of donor seats or provide appropriate spacing between seats, did not establish processes to cap the number of donors in the facility’s lobby, and did not appropriately limit or manage the total number of donors present in the facility at any given time. In the first week of April 2020, the plaintiff contends he disclosed to the defendant the complaints he had made, and that following the disclosure, “various individuals” “became extremely hostile” toward him. According to the plaintiff, in late April 2020, he was told he was suspended and later terminated for “allegedly blocking off appointments in [the defendant’s] appointment system.” The plaintiff alleges that the reason was false, that he “never blocked off any appointments” and “was not responsible and had no authority to schedule appointments or block them out.” The plaintiff alleges that he was wrongfully terminated in relation for reporting the defendant’s purported “failure to comport with its own COVID-19 mitigation steps,” in violation of the Illinois Whistleblower Act.

**July 27, 2020**

*Weiler v. Sexual Violence Center* (Hennepin County, Minnesota)
The plaintiff, a systems change program coordinator for a nonprofit corporation, alleges that she was demoted and then terminated after she raised concerns to the executive director and the board of directors regarding her request to work from home in light of the COVID-19 pandemic. The plaintiff claims she was demoted, and was told that her demotion was “for attempting to instill fear and anxiety in employees about working in the office during the pandemic.” In addition to the plaintiff’s internal complaints, the plaintiff also sent an email to an email address provided by the state of Minnesota for reporting stay home order violations. The plaintiff alleges that an investigator contacted the executive director about the plaintiff’s report a few days later. Shortly thereafter, the executive director purportedly informed the plaintiff that her position was being eliminated immediately due to a reduction in the workforce. The plaintiff alleges she was terminated in violation of the Minnesota Whistleblower Act.

**July 17, 2020**

*McIntyre v. Medical Solutions, LLC* (Jackson County, Missouri)
The plaintiff worked as a nurse for an agency that places nurses in hospitals on short-term contracts. The plaintiff contracted with the defendant to work at a hospital for 10 weeks from March 9, 2020, to May
16, 2020. During her assignment, the plaintiff overheard hospital managers discussing the fact that the hospital had failed to isolate a patient who reported having COVID-19 symptoms – contrary to CDC recommendations – and further, allowed him to walk through the hospital without wearing a mask. According to the plaintiff, the hospital managers were debating whether to warn the doctors and nurses who cared for the patient about their possible exposure to COVID-19 and that ultimately, they decided not to do so. The plaintiff reported to the defendant that the hospital was not informing staff of its possible COVID-19 exposure, was not quarantining patients, and not providing staff with PPE. The plaintiff alleges that the defendant failed to act in response to her warnings. On March 18, 2020, the plaintiff developed symptoms consistent with COVID-19. Because COVID-19 tests were available only to those who required hospitalization at the time, the plaintiff self-quarantined. She also gave the hospital two weeks’ notice because she felt it was unsafe to return to work there. The defendant responded to the plaintiff’s actions by allegedly refusing to pay her earned wages and sick pay, terminating her employment, and “blackballing her from further travel nursing opportunities within the industry.” The plaintiff alleges, among other causes of action, wrongful discharge and retaliation in violation of Missouri public policy against terminating employees for reporting wrongdoing and unsafe working conditions, having and/or requesting a reasonable accommodation for a disability or illness, and promoting activity that helps stem the spread of COVID-19.

**July 8, 2020**

Courtney Burton v. St. Joseph's Regional Medical Center (Passaic County, New Jersey)
The plaintiff was an emergency room manager. She alleges that she lodged a complaint with the defendant’s ethics committee regarding multiple staff members becoming infected with COVID-19 due to purportedly inadequate PPE. The plaintiff’s complaint implicated her supervisor, who the plaintiff claims then filed a complaint against her for “allegedly stealing company time.” The complaint against the plaintiff “was proven to be untrue because she was a salaried manager,” but the plaintiff alleges that she was told she was being terminated “because a conflict now existed between” the plaintiff and her supervisor. The human resources director who informed the plaintiff of her termination purportedly “agreed with [the] plaintiff that the termination of her employment did look like retaliation for her filing of the subject ethics complaint that implicated” her supervisor. She brings suit for retaliation under New Jersey’s Conscientious Employee Act.

Gonzalez v. Carrillo Surgery Center, Inc. (Santa Barbara Superior Court, California)
The plaintiff, a registered nurse, alleges that she was terminated after she complained to the defendant employer about unsafe conditions at the defendant’s medical facility. The plaintiff alleges that the defendant had failed to implement necessary safety measures to protect employees and patients from COVID-19, including a lack of available PPE. The plaintiff alleges that two days after she complained, the defendant terminated her. The plaintiff claims that her complaints were protected by California’s whistleblower statute, and that the defendant violated this statute by terminating the plaintiff for complaining. Based on the same facts, the plaintiff also alleges that the defendant retaliated against her for reporting
workplace safety hazards in violation of the California Labor Code, and also wrongfully terminated her in violation of California public policy. Finally, the plaintiff alleges that the defendant failed to provide adequate meal and rest periods in violation of the California Labor Code.

July 7, 2020
Rivera v. General Nutrition Corp. (Hillsborough County, Florida)
The plaintiff was a store manager in the defendant’s retail location in Tampa, Florida. Effective June 19, 2020, in response to the COVID-19 pandemic, the mayor of Tampa issued an executive order requiring, among other things, that “every person working, visiting or doing business in … Tampa shall wear a face covering in any indoor location.” On June 22, several customers entered the defendant’s store without face coverings, in violation of the executive order. The plaintiff advised these customers of the executive order’s requirements. At least one customer became physically aggressive while screaming obscenities at the plaintiff. The next day, the plaintiff spoke to his district manager about the customers’ behaviors. The manager told the plaintiff the business would not lose sales because of face covering requirements. He also said he was suspending the plaintiff pending an investigation. That day, Hillsborough County, where the defendant’s store is located, issued an Emergency Face Covering Order, which required business operators to ensure that individuals in their establishments comply with the order’s face covering requirements. The plaintiff alleges that the defendant refused to ensure compliance with the Tampa and Hillsborough face covering orders, that the plaintiff objected to the defendant’s noncompliance, and that the defendant retaliated against him for doing so by terminating his employment one day after suspending him. The plaintiff alleges that his termination violated the Florida Private Whistleblower’s Act.

June 19, 2020
Coley & Crawford v. Princeton University, et al. (Mercer County, New Jersey)
The plaintiffs, public safety officers, allege that they were unlawfully discharged in violation of the New Jersey Conscientious Employee Protection Act (CEPA). The plaintiffs allege that they were asked to transport students returning from China who may have been exposed to COVID-19. The plaintiffs allege that they had no training, instruction or guidance on how to transport or interact with the students suspected to have come into contact with COVID-19. The plaintiffs claim that they expressed their concerns over the lack of training, and objected to performing the transports. The plaintiffs allege that they provided the defendants with written statements regarding their objections, and were subsequently terminated, purportedly for engaging in CEPA-protected conduct.

June 17, 2020
Lisabeth Reglewski v. Landmark of DesPlaines Rehabilitation and Nursing LLC (Cook County, Illinois)
The plaintiff, the director of nursing for the defendant employer, a long-term nursing care facility, alleges that she was terminated for accurately reporting the number of COVID-19 patients at the facility. The plaintiff claims that she reported the number of COVID-19 patients to her supervisor, who then reported them to the Illinois Department of Public
Health. The plaintiff was discharged on April 15, 2020, after the defendant reported a lesser number of COVID-19 patients to the Illinois Department of Public Health than the accurate higher number of cases. The plaintiff alleges she was discharged “in retaliation for her accurate reporting of Covid 19 patients.” The plaintiff further states that she “has reasonable cause to believe that [her supervisor’s] underreporting violates state or federal law, Rule or regulation.” The plaintiff alleges violations of the Illinois Whistleblower Act and public policy. The plaintiff also asserts a claim for libel, citing alleged false statements on a disciplinary action form related to her work ethic and character.

June 10, 2020
Kalba v. Lee County RV Sales Company (Lee County, Florida)
The plaintiff alleges he was terminated in violation of the Florida Whistleblower Act. The plaintiff alleges that in early March, the governor of Florida ordered the adoption of the CDC guidance, which (he says) required social distancing and the wearing of masks during the COVID-19 pandemic. The plaintiff says he complained to human resources about the lack of PPE for its employees, and in particular the lack of masks. He alleges he was told there were no masks available. In response to the concern the plaintiff expressed about putting himself and his family at risk, he was told to take paid time off, which he did. Upon his return to work, the plaintiff complained to a manager that one of the steps the defendant put in place while he was off work was not protecting customers, that customers were being charged for the “Eco Shield” service even when it was not applied, and that the defendant was merely trying to profit from the COVID-19 virus. Subsequently, the plaintiff complained to two managers about his continued concern over the lack of PPE and how he was being treated. Less than two weeks later, the two managers called the plaintiff into a meeting, told him he was not a good fit and that he was terminated, but said the decision had nothing to do with how hard the plaintiff worked or his results.

Worker’s Compensation

August 7, 2020
McKinley County Federation of United School Employees Local 3313, et al. v. Board of Education for the Gallup-McKinley County Public Schools, et al. (McKinley County, New Mexico)
The plaintiffs, which include a labor union representing school district employees, seek a temporary restraining order and injunctive relief against the school board. The complaint alleges that the school board is subject to the New Mexico Public Education Department, which issued “reentry guidance” “regarding how, and under what circumstances, local school districts may safely reopen in the global COVID-19 pandemic.” The complaint alleges that the reentry guidance provides that schools will be “remote only, at least until September 8, 2020,” but that despite the reentry guidance, the school board has “ordered its staff to perform work on site which can easily be performed at home.” The complaint alleges that the employees will “suffer irreparable harm if they are forced to come to work, possibly exposing themselves to the novel [coronavirus] and COVID-19.” As such, the plaintiffs request “a temporary restraining order, preliminary injunction, and permanent injunctive relief prohibiting [the school board] from requiring employees to attend professional development on site or performing any other work on site that can be
August 5, 2020
Taveras v. S. Betram Foods, Inc., et al. (St. Lawrence County, New Jersey)
The plaintiff, who unloads delivery trucks, alleges that his employer failed to adhere to the state's executive orders, resulting in the plaintiff contracting COVID-19. The plaintiff alleges that from Feb. 3 through April 20, 2020, New Jersey’s governor “issued approximately 24 Executive Orders during the COVID-19 pandemic,” “but despite these Executive Orders, [the plaintiff's employer] failed to take the proper steps to protect [the plaintiff] and other employees from COVID-19.” Specifically, the plaintiff alleges that his employer “did not provide any personal protection equipment to [the plaintiff] and/or its other employees” and failed “to shut down production and/or quarantine its employees.” The plaintiff alleges that as a result of these breaches, the plaintiff contracted COVID-19 and “suffered pain and damages.”

June 5, 2020
Fargo v. Big Cedar, LLC (Taney County, Missouri)
The plaintiff was a duty engineer for a wilderness lodge. He alleges that he injured his lower back on the job, and filed a claim for workers’ compensation benefits. He claims that he was placed on limited duty, but was then cleared to return to full-duty work. The plaintiff alleges that two days after he was cleared to return to work, the defendant employer placed him on furlough, purportedly due to the COVID-19 pandemic. The plaintiff alleges that although numerous other employees were furloughed, he was the only one who was asked to return his keys. Additionally, the plaintiff alleges that almost two months later, the company sent an email to all associates welcoming them back to work, but the same day, the email he received was recalled. The plaintiff claims that the company kept him on furlough, and continues to do so, although all of the other employees have returned to work. He alleges that the company is keeping him on an indefinite furlough so that he will be forced to quit his job, in retaliation for exercising his rights under the Missouri Workers’ Compensation Law.

Workplace Safety

December 16, 2020
Rodriguez et al. v. Gardner Trucking, Inc., et al. (San Bernardino County, California)
The plaintiff brings a PAGA class action alleging that the defendants, a freight transportation and logistics company, violated the California Labor Code by failing to “take appropriate measures to ensure a safe and healthful workplace for their employees.” The plaintiff alleges, among other things, that the defendants have failed to “provide drivers with sanitizing wipes, masks, hand sanitizer, gloves or other materials necessary to stop the spread of COVID-19.” The plaintiff claims that “[w]hen drivers ask for these materials, management routinely refuses to provide them.” The plaintiff further alleges that the defendants became aware of a dispatcher who tested positive for COVID-19, but that the defendants “did not arrange tests for potentially affected drivers, direct them to quarantine, sanitize the facility or vehicles, offer them paid sick leave to which they were entitled under California Labor Code § 248.1, or
take any other measures the California Labor Code requires," citing eight different California Division of Occupational Safety and Health standards. The plaintiff, on behalf of himself and a class of all other aggrieved employees, "seeks penalties under the Labor Code Private Attorneys General Act of 2004 (PAGA)."

December 7, 2020 & December 28, 2020
Manish Sharma v. The City of New York (Queens County, New York)
Jose Melendez v. The City of New York (Queens County, New York)
Daniel Edenfield v. The City of New York (Queens County, New York)
Mark McKoy v. The City of New York (Queens County, New York)
Matthew Desimone v. The City of New York (Queens County, New York)

In five separate lawsuits, the plaintiffs, each a New York City police officer and represented by the same plaintiff’s counsel, filed virtually identical complaints against the City of New York for negligence. The plaintiffs each allege that while present at the police academy, they were exposed to and contracted COVID-19 when they “came into contact with and/or [were] exposed to a high ranking employee and/or employees of the NYPD who had tested positive” for COVID-19. The plaintiffs all claim that the defendant negligently failed to maintain the premises in a proper and safe manner, and failed to properly adhere to state and local public health guidance and orders. Thus, the plaintiffs each claim they contracted COVID-19 as a result of the defendant’s negligence, and seek monetary damages for their alleged injuries.

December 14, 2020
Lara v. Power Steer, Inc. (Dallas County, Texas)
The plaintiff, on behalf of her deceased family member, brought suit for negligence and wrongful death. The plaintiff alleges that the defendant did not take any COVID-19 precautions or implement any protocols for the safety of its workers. The plaintiff alleges that her relative, an employee of the defendant, contracted COVID-19 at work and later died. The plaintiff claims that “during the course and scope of [the decedent’s] work, [the decedent’s] symptoms became evident. [The decedent] was told to report to work and to keep at it – otherwise he would have been laid off.” The plaintiff alleges that her relative “was not provided with the appropriate safety equipment, PPE (protective gear), and training which Defendant owed its employees . . . .” The plaintiff claims that the defendant’s failure to take appropriate measures led to her family member’s death. The plaintiff claims that the defendant breached its duties by, among other things, “failing to supervise the employee’s activities as per CDC and Dallas County protocols.” The plaintiff alleges that the defendant’s failures amounted to negligence, which proximately caused her relative’s illness and death.

December 10, 2020
Mary Alice Diaz, et al. v. Fruit Harvest Family, Inc., et al. (Fresno County, California)
The plaintiffs, the widow and children of one of the defendants’ employees, allege that the defendants failed to provide a safe workplace for its employees during the COVID-19 pandemic, and as a result, their husband and father contracted COVID-19 and later died. The plaintiffs claim that after the COVID-19 pandemic emerged, the defendants “negligently, carelessly and recklessly failed to provide a safe workplace for its employees and/or agents.” The plaintiffs further claim that the defendants failed to implement basic safety measures, such as
screenings for COVID-19 symptoms, mandating face coverings, and ensuring social distancing was taking place among their employees while at the workplace. The plaintiffs claim that the defendants’ “negligence, carelessness, and recklessness” resulted in the defendants permitting employees who knew they were infected to continue working, and created an unsafe work environment which eventually caused the plaintiffs’ husband and father to become infected with COVID-19, and ultimately die. The plaintiffs filed a two-count complaint, alleging the defendants’ actions placed all of their employees at risk for contracting COVID-19, and resulted in the wrongful death of their husband and father.

November 23, 2020
Alma, et al. v. Noah’s Ark Processors LLC (District of Nebraska)
The plaintiffs are three former employees of a meat packing plant, and a physician in the community who “treats the children of meatpacking workers and people infected with COVID-19.” The plaintiffs bring a declaratory action against the defendant meat packing plant, seeking injunctive relief compelling the defendant to implement basic COVID-19 safety measures, including physical distancing, replacement face masks, on-site testing, and sick leave. The plaintiffs allege that the plant has not taken proper measures to ensure physical distancing, as employees often stand shoulder to shoulder on the assembly line and crowd together “in a small cafeteria and other common areas.” The plaintiffs also claim that employees are unable to wear face masks throughout their shift, because the masks become soiled with sweat, fat and blood, and the defendant does not provide them with replacements. The plaintiffs further assert that the defendant does not provide on-site COVID-19 testing, and has failed to issue sick leave for employees with COVID-19 symptoms. The plaintiffs argue that the defendant’s lack of COVID-19 safety measures constitutes a public nuisance, and they seek injunctive relief requiring the defendant to implement proper safety measures. Furthermore, the plaintiffs bring a negligence claim for failure to provide a safe workplace and a claim for violation of the FFCRA for failure to post notices to employees about paid sick leave and the procedures to file a complaint for violations of the act.

November 20, 2020
Calzada Navarrete v. Village Farms, L.P. (Western District of Texas)
The plaintiff is a 61-year-old migrant farm worker for the defendant, a producer and distributor of fruits and vegetables. The plaintiff's home is 250 miles from the defendant's farm where she works, so she lives in a trailer provided by the defendant near the farm with four other women employed by the defendant. The plaintiff alleges that around Sept. 8 or 9, one of the other women in the trailer began to feel sick, and a manager told the employee to get tested for COVID-19 and return to the trailer while she awaited the results. On Sept. 13, this employee learned she had tested positive for the virus, and the defendant sent her home. She returned to work on Sept. 24. About the same time, the plaintiff alleges at least four other employees tested positive for the COVID-19 virus, and that the defendant never informed her or any other employees. After learning that two employees with whom she had worked in a greenhouse had tested positive, the plaintiff approached a manager and asked if the defendant would pay for her to be tested, if it would inform her if anyone else she lived or worked with tested positive, and if it would require those awaiting test results to quarantine. The defendant allegedly declined to take any of these measures, citing confidentiality concerns. The plaintiff sued the defendant, claiming public nuisance and alleging that the
defendant “maintains a condition at its…facility that amounts to an unreasonable interference with…[the public’s] right to be free from the dissemination of a dangerous disease.” The plaintiff also alleges that the defendant takes more precautions regarding COVID-19 for the foreign migrant workers, whom the defendant hires under the H-2B visa program, in violation of the Agricultural Farm Workers Act.

November 12, 2020
Phillips v. Pensacola Care, Inc. dba Tallahassee Developmental Center (Leon County, Florida)
The plaintiff, an employee of a long-term care center, alleges that her employer was negligent in preventing the spread of COVID-19. The plaintiff claims that on March 18, the Agency for Health Care Administration issued a recommendation that all staff at long-term care facilities wear masks to prevent the spread of COVID-19. The plaintiff alleges that on March 26, her employer issued a notice requiring staff to not wear masks. In late March or early April, allegedly because of the prohibition against wearing a mask, the plaintiff contracted COVID-19. The plaintiff alleges that as a result her husband was exposed to COVID-19, contracted it on April 11, and died on May 1. The plaintiff alleges that her employer was negligent by “creating a condition that [the employer] knew or should have known would result in a dangerous condition to the general public, including [the plaintiff] and her immediate family;” by “failing to maintain or adequately maintain the personal protection equipment for its employees and/or residents;” by “failing to inspect or adequately inspect and/or provide personal protection equipment for its employees and/or residents;” by “failing to warn or adequately warn the [the plaintiff] of the danger of not wearing personal protection equipment;” and by “preventing employees from taking all reasonable measures to prevent exposure and acquisition of COVID-19, thereby exposing employees and their immediate family.”

November 3, 2020
McNally v. Chiumento McNally LLC, et al. (Camden County, New Jersey)
The plaintiff, a minority shareholder in the defendant law firm, filed suit alleging a hostile work environment and seeking dissolution of the firm. The plaintiff alleges that after the entire firm had successfully worked remotely for three months due to the COVID-19 pandemic, the majority shareholder arbitrarily required the attorneys and staff to return to the office in early July. The plaintiff alleges that his dedicated associate and assistant needed special schedules to accommodate their child care needs, in light of school and daycare closures arising out of the pandemic. The plaintiff claims that the majority shareholder objected to these accommodations and, after a month, demanded that the associate and assistant return to the office full time. The plaintiff alleges that as a result of this and other missteps by the majority shareholder, including several heated conversations between the plaintiff and the majority shareholder, morale at the firm was very low, causing a “downward spiral.” The plaintiff claims that he fears the firm is exposing itself to workplace liability as a result of the majority shareholder’s mismanagement during the COVID-19 pandemic. Based upon these allegations, the plaintiff asserts claims against the majority shareholder for shareholder oppression and dissolution of the business, as well as hostile work environment and negligent infliction of emotional distress.

October 22, 2020
Hansen, et al. v. New Jersey Transit Corporation (Essex County, New Jersey)
The plaintiff, on behalf of herself and her deceased husband, brought suit against her husband’s employer, the New Jersey Transit Corporation, for wrongful death. The plaintiff alleges that due to the defendant’s failure to follow state or federal guidance during the onset of the COVID-19 pandemic, her husband, a train conductor, contracted COVID-19 at work. The plaintiff alleges further that she contracted COVID-19 from her husband, and experienced severe symptoms, including pneumonia. After the plaintiff began feeling ill, she alleges that her husband, who was feeling ill himself, formally requested leave from work. Thereafter, the plaintiff alleges that her husband was hospitalized and put on a ventilator. Not long after being put on the ventilator, the plaintiff alleges that her husband died from COVID-19. Based upon these allegations, the plaintiff as administrator of her husband’s estate asserts claims under New Jersey law for, wrongful death, and a survival cause of action. For herself, the plaintiff asserts a New Jersey common law claim for negligence against the defendant.

October 13, 2020
Lauren Rita Bolchune v. Robert Wood Johnson University Hospital at Hamilton, Inc., et al. (Mercer County, New Jersey)
The plaintiff, a nurse, claims she was terminated just weeks after she allegedly complained about her employer’s refusal to provide adequate PPE to her while she treated patients with possible COVID-19. Specifically, the plaintiff alleges that her employer refused to provide an N95 respirator to protect her and her unborn child, and refused to allow her to bring her own N95 respirator to work. After she allegedly expressed her concern over the lack of PPE, the plaintiff claims her employer terminated her because she was “malicious to another nurse,” which the plaintiff claims is untrue. She claims violations under New Jersey’s Conscientious Employee Protection Act and Law Against Discrimination.

October 8, 2020
Gummow v. General Logistics Systems (Contra Costa County, California)
The plaintiff was a driver who worked for the defendant and, later, a subcontractor of defendant. He alleges that he and another employee complained about the working conditions at its Chico, California, hub in response to the COVID-19 pandemic, after which the defendant laid them off and installed a subcontractor. The plaintiff alleges that he and his colleague were not offered a transfer to other facilities, as other employees were, and instead the plaintiff had to begin working for the new subcontractor. Among others, the plaintiff’s complaints included: the failure to require employees to physically distance from one another; the failure to sanitize the workplace or vehicles; the failure to provide adequate materials for sanitizing the facilities, including “Fabuloso,” hand sanitizer and sanitizing wipes; the continued requirement that drivers get physical signatures for certain deliveries; and the failure to stagger work shifts. The plaintiff brings a class action alleging that the defendant’s conduct constitutes a public nuisance and unfair competition. The plaintiff also seeks class-wide relief for reimbursement of business expenses related to purchasing hand sanitizer and masks.

September 30, 2020
Tillmon v. City of New York (Queens County, New York)
The plaintiff was a New York City police officer and alleges that he contracted COVID-19 while physically present at the police academy. He alleges that on or about March 13, "he came into contact with and/or was exposed to a high ranking employee and/or employees of the NYPD who had tested positive" for COVID-19." He alleges that he contracted COVID-19 due to the defendant’s negligence, and seeks monetary damages.

September 18, 2020
Yaquelina Rivera v. Poly-America L.P., et al. (Dallas County, Texas)
The plaintiff, a widow to a former operator employed at a chemical manufacturing company, alleges negligence and gross negligence under Texas law. She claims that her husband’s employer failed to provide personal protective or safety equipment, such as facemasks, hand sanitizers, or filters, or implement any safety policies such as social distancing. The plaintiff alleges that because her husband’s employer failed to take steps to protect its employees, her husband contracted COVID-19 while at work and was later hospitalized and died. The plaintiff now brings a wrongful death suit on her behalf and her children’s behalf.

September 16, 2020
The plaintiffs are a teachers’ union and the president of the teachers’ union. They filed suit against the board of education, the city and the school superintendent, seeking declaratory relief concerning the defendants’ COVID-19 return to school plan. The plaintiffs allege that, despite New York state executive orders and guidance from both the New York State Department of Health and the New York State Education Department, not to mention the defendants’ own plan to for the return to school, the defendants have failed to allow any members of the plaintiff teachers’ union to telework. The plaintiffs allege that approximately 40 teachers have requested the ability to telework due to their potential high risk for contracting COVID-19, and that the defendants have denied each and every request without substantive explanation for the denial. As a result, the plaintiffs filed suit seeking a declaration that the defendants’ denials of telework accommodations were unlawful. The plaintiffs also seek a judgment requiring the defendants to lawfully apply the executive orders, state guidance, and return to school plan going forward, and reconsider the denials of the teachers who had already requested the ability to telework.

September 4, 2020
Alcantara v. City of New York (Queens County, New York)
The plaintiff, a New York City police officer, filed suit against the City of New York for negligence. The plaintiff alleges that he was exposed to COVID-19 at a facility owned and operated by the City of New York, by high-ranking New York Police Department officials who had tested positive for COVID-19. The plaintiff claims that the defendant negligently failed to maintain the premises in a proper and safe manner, and further failed to properly adhere to state and local public health guidance and orders. Thus, the plaintiff alleges that he contracted COVID-19 as a result of the defendant’s negligence. The plaintiff seeks monetary damages for his injuries arising out of his COVID-19 illness.

August 20, 2020
Local 917, International Brotherhood of Teamsters v. Empire Merchants, LLC (Eastern District of New York)
The plaintiff, a labor union representing delivery drivers and helpers in the liquor and wine industry, filed suit against the defendant wine and liquor distributor, seeking a preliminary injunction to prevent violation of their collective bargaining agreement while the parties arbitrate their dispute. The union alleges that the defendant is attempting to use non-union workers to staff delivery vehicles in violation of the CBA, for which the union has filed a grievance. The union further asserts that an injunction is necessary because while its members who work for the defendant are subject to strict health and safety regimen in their efforts to prevent the spread of COVID-19 among the rank and file, the non-union workers are not subject to the same regimen. As a result, the union filed suit to seek a preliminary injunction to preserve the status quo while the parties arbitrate their dispute as required by the CBA.

August 19, 2020
Darnell Gatling v. The City of New York (Queens County, New York)
The plaintiff, a police detective, claims that on March 13, 2020, while on duty at a Police Academy premises owned by the City of New York, he was exposed to high-ranking personnel of the NYPD who had tested positive for COVID-19. The plaintiff claims that defendant failed to protect him, violating its duty of care and applicable orders and law. The plaintiff claims that, as a result, he became sick and sustained serious personal injuries.

August 13, 2020
Collins v. Appaloosa Health Care, Inc. (Dallas County, Texas)
The plaintiff, a registered nurse at a rehabilitation center, filed a petition for disclosure under Texas law, on the basis of personal injuries sustained in her employment allegedly due to her employer’s negligence. The plaintiff claims that she unknowingly was exposed to a new patient who had COVID-19, and that her employer’s admissions coordinator had failed to test the new patient in violation of the employer’s policies. The plaintiff alleges that when she became symptomatic, her employer refused to allow her to go home and threatened to report her to a nursing board for patient abandonment if she did. The plaintiff also alleges that when her own fever reached 103 degrees, her employer instructed her to remove her PPE and stand in front of a fan to cool down. The plaintiff alleges that her employer failed to test residents for COVID-19 prior to admission or to develop, implement or enforce proper policies and procedures; failed to hire and properly train staff on how to prevent or minimize the spread of COVID-19; failed to send home staff who were sick; and failed to comply with OSHA and other public health and safety standards. The plaintiff alleges she was hospitalized in ICU for three weeks and ventilated, followed by months of rehabilitation, and has sustained permanent injuries. The plaintiff alleges that at least six residents and four employees have tested positive for COVID-19. The plaintiff, “grateful to be alive,” seeks an award in excess of $1,000,000.

August 11, 2020
Reynoso v. Byrne & Schaefer Electrical (Will County, Illinois)
The plaintiff is married to an employee of the defendant, and alleges her husband contracted COVID-19 at work. According to the plaintiff, she cared for her husband for several days and then became ill herself. Her husband then learned from the defendant that at least one employee had
contracted COVID-19 and two others may have also, and that the
defendant was ceasing operations until further notice. The plaintiff and
her husband subsequently tested positive for COVID-19. The plaintiff
claims the defendant, among other things, failed to provide employees
with PPE, follow federal and CDC guidance, implement appropriate safety
protocols, and warn employees that others were experiencing COVID-19
symptoms. The plaintiff sued the defendant under negligence theories,
asserting that the defendant had a duty to her (and others) to exercise
reasonable care to keep its workplace and employees free of COVID-19,
particularly given that employees were becoming ill with or had a high risk
of exposing others to COVID-19, including employees’ household
members.

August 5, 2020
Iniguez v. Aurora Packing Company, Inc. (Kane County, Illinois Circuit
Court)
The plaintiff, administrator of a deceased woman's estate, filed a wrongful
death and survival action against the defendant, a meat-packing facility.
The defendant employed the decedent's husband as a butcher. The
plaintiff alleges that in late April 2020, the decedent's husband contracted
COVID-19 while at work, and infected his wife, who died from the virus on
May 2. According to the plaintiff, the defendant knew employees had
contracted COVID-19 at its facility, yet did nothing to mitigate the spread
of the virus in the facility. The plaintiff alleges that the defendant was
negligent by, among other things, failing to warn employees of a
COVID-19 outbreak and failing to implement an infectious disease
preparedness and response plan or infection prevention measures
consistent with CDC and state department of health guidelines. The
plaintiff also asserts that the defendant actively created risk, including by
“choosing not to”: provide employees with PPE, implement engineering
controls to prevent the virus from spreading, take reasonable measures to
allow for social distancing, screen and monitor workers, implement and
communicate leave policy, and provide handwashing breaks, hot water,
and sanitizer.

Montgomery v. Prevarian Senior Living, LP (Dallas County, Texas)
The plaintiffs, the surviving family members of a deceased assisted living
facility worker, allege wrongful death and gross negligence under Texas
law. The plaintiffs allege that both the deceased and their daughter, one
of the plaintiffs, worked for the assisted living and memory care facility,
and both were exposed to COVID-19 when assigned by their employer to
sit for hours at a time, unprotected, with a resident whom the employer
knew (but did not tell its employees) had tested positive for the virus. The
plaintiffs allege that assisted living facilities “have often been described as
“epicenters” for COVID-19,” and that the deceased in particular was at
higher risk of experiencing severe COVID-19 complications, including
death, due to being overweight and a minority. The plaintiffs allege that
the employer owed the deceased a duty to provide a safe workplace,
including: (1) to warn the deceased that a resident with whom she was
required to interact for an extended period of time had tested positive for
COVID-19; (2) to consider reasonable risk factors before assigning the
deeased to spend time in a room with an infected resident; (3) to not
place her at increased risk of exposure to COVID-19 without adequate
personal protective equipment; (4) to implement safety protocols to
prevent the spread of and exposure to COVID-19; and (5) to seek out and
remove sources of harm on the premises controlled by the employer. The
plaintiffs further allege that with conscious indifference the employer created an extreme risk of harm by failing to inform the plaintiff-daughter and other co-workers of the resident’s infection or to adequately address the danger before instructing the plaintiff-daughter and other workers to work near the resident. The plaintiffs seek an award in excess of $1,000,000.

July 24, 2020
Switz v. Fisher Titus Health (Huron County, Ohio)
The plaintiff, “a CMA patients accounts/insurance specialist,” alleges she was constructively discharged because “to remain employed” by the defendant, “she would have to agree to work in a unsafe workplace in a medical clinic.” The plaintiff claims that her work place was unsafe for two reasons: (1) she was told by her managers that “she could not wear a face mask to prevent her from being exposed to [the] COVID-19 virus under the unreasonable theory that if she wore such a mask, it might make other people think the medical facility was not safe;” and (2) her employer “insisted that the untrained Plaintiff provide medical care assistance to COVID-19 patients in a separate hospital building while she suffers from a cardiac condition that makes her more vulnerable to the virus.” The plaintiff alleges that when she protested these instructions, she was told “to do what you are told.” The plaintiff alleges that she was forced to resign as a result of the unsafe working conditions. The plaintiff claims that her employer violated Ohio’s public policy requiring employers to provide employees with a safe work environment, and this violation resulted in the plaintiff’s constructive discharge.

July 22, 2020
Ornelas et al. v. Central Valley Meat Co., Inc. (Eastern District of California)
The plaintiff brought a class action against the defendant meat-packing plant, alleging a number of violations of California state law due to the defendant’s alleged failure to take appropriate actions and to adopt recommended precautions against the spread of COVID-19. By mid-April, the defendant had at least nine known cases of COVID-19 in its workforce. The plaintiff alleges that the defendant did nothing to arrest the spread of the virus in its plant, and in fact took action that made it worse. The defendant allegedly did not inform employees of positive COVID-19 tests among the workforce; allowed employees who tested positive to return to work within days of testing positive; failed to send home employees who were experiencing symptoms of COVID-19; pressured employees who were experiencing COVID-19 symptoms to come to work, threatening them with discipline under its no-fault attendance policy; and failed to implement preventative measures recommended by the CDC and OSHA (such as social distancing and encouraging extra breaks for employees to wash their hands.) Employees only learned that several of their co-workers had tested positive for COVID-19 by talking with each other on Facebook. By early May, the defendant had 161 reported positive COVID-19 cases in the plant. The plaintiff began to experience symptoms and tested positive for the virus. The plaintiff claims that after she tested positive, she was pressured to come to work. The plaintiff brings her claim on behalf of a class of employees, and alleges a number of violations of California state law, such as negligence, public nuisance, wanton and reckless misconduct, and violations of the
California Family Rights Act, as well as a violation of federal law under the FMLA.

June 29, 2020

Local Joint Executive Board of Las Vegas v. Harrah’s Las Vegas LLC, et al. (District of Nevada)
The plaintiff labor union sued two hotels and a condominium complex on the Las Vegas strip seeking a “reverse Boys Market” injunction to prevent the employers from enforcing COVID-19 health and safety rules that the union alleges are “manifestly unreasonable … for addressing instances in which a worker tests positive for COVID-19.” The plaintiff alleges that these rules (1) permit the defendants to continue to operate and to require employees to continue to work, without a COVID-19 contact person for each shift who is trained in the scientifically accurate protocols for reporting, quarantine and isolation; (2) permit the defendants to continue operating without immediately closing and conducting deep cleaning of the infected worker’s work areas; (3) permit the defendants to continue operating, and to require employees to work, without immediately informing the them that a co-worker has tested positive for COVID-19; (4) permit the defendants to continue operating, and to require employees to continue working, without immediately conducting any contact tracing so that potentially exposed employees may quarantine; and (5) permit untrained and unqualified managers and security personnel to pressure employees to continue working even when they complain of symptoms associated with COVID-19 or have worked in close contact with someone who has tested positive for COVID-19. The union seeks an injunction preventing the defendants from “promulgating and following unreasonable rules” until its grievances have been arbitrated under its collective bargaining agreement, and an injunction “abating the nuisances” alleged in its grievances.

June 11, 2020

Elijah v. Port Authority Trans-Hudson Corporation (Hudson County, New Jersey)
The plaintiff, the representative of a deceased power rail mechanic for a rail carrier, alleges wrongful death under New Jersey law. The plaintiff alleges that the deceased was exposed to COVID-19 when he embraced a co-worker who later tested positive for COVID-19. The plaintiff alleges that the decedent was not wearing a mask, because his employer “instructed its workers at safety meetings not to wear masks at work unless they were performing their specific job functions.” Approximately 10 days after being exposed to COVID-19, the decedent began to experience symptoms of COVID-19, which progressively worsened. The complaint alleges that decedent was hospitalized, and over the next 20 days, experienced a “horrible and protracted death.” The plaintiff alleges that the employer was negligent by: (1) failing to provide employees with a safe place to work; (2) failing to properly train employees about contracting COVID-19 at work; (3) failing to timely provide PPE to employees; (4) failing to conduct contact tracing; (5) failing to test employees for COVID-19; (6) failing to timely quarantine decedent and other employees who had been exposed to COVID-19; (7) failing to apply social distancing measures for employees; (8) failing to properly clean areas; (9) failing to warn employees of the dangers of contracting COVID-19 at work; (10) failing to medically treat the decedent; and (11) failing to follow its own safety rules, practices, and procedures.
June 10, 2020

*Esco v. Dollar Tree Stores, Inc.* (Sacramento Superior Court)
The plaintiff filed an action alleging that she and the members of a putative class are victims of employment policies, practices, and procedures that violate California’s Business and Professions, Civil and Labor Codes as well as the Department of Industrial Relations, Industrial Welfare Commission, and Division of Occupational Safety and Health orders and standards. The plaintiff cites a variety of state, local and federal regulations and guidelines and contends that throughout the COVID-19 pandemic the defendant failed to implement and maintain an effective illness and injury prevention program and provide proper PPE, materials, policies, trainings and communication to the plaintiff and members of the class. Specifically, she claims that the defendant failed to provide sufficient sanitary face coverings, failed to require customers, vendors and others entering the stores to wear face coverings, failed to endorse social distancing, failed to provide sufficient breaks to allow for hand washing stations, failed to provide sufficient hand sanitizer, failed to train employees on the use of protective gear such as the removal of gloves and masks, failed to implement an illness prevention program, failed to provide sufficient barriers and failed to provide sufficient disinfectants and cleaning agents. Based upon this conduct, the plaintiff alleges she and all non-exempt employees are entitled to relief because the defendant’s conduct constitutes a public nuisance. She also claims that she and the class are entitled to injunctive relief to stop the defendant’s alleged violations of state law.

May 13, 2020

*Flores v. Built Brands, LLC* (Utah County, Utah)
The plaintiff, a production line worker for a nutritional supplement manufacturer, alleges she contracted COVID-19 when her employer remained open for operations despite being aware that workers on the production line contracted COVID-19, and other employees expressed concerns about reporting to work. The plaintiff alleges that her employer inflicted harm upon her by failing, among other things, to: (1) follow all applicable government-issues safety rules; (2) cease business operations; (3) provide employees PPE; (4) have adequate policies and procedures to prevent the spread of COVID-19 at their facilities; (5) adequately sanitize the facilities; and (6) heed employees’ safety warnings. The plaintiff seeks damages for, among other things “emotional pain, great physical pain ... past and future medical expenses ... permanent impairment, diminished earning capacity, lost wages, past and future household services, diminished life expectancy,” and punitive damages.

May 7, 2020

*Jane Doe v. Hillstone Restaurant Group Inc. dba R&D Kitchen* (Northern District of Texas)
In a case removed to federal court from Dallas County Court, the Plaintiff, a kitchen worker, alleges that she was informed she would be removed from the schedule and would not be permitted to return to work at the reopened restaurant unless “she agreed to work without a face covering.” The plaintiff alleges that she was informed that the restaurant would be re-opening following the Governor’s executive order permitting restaurants to allow limited dine-in services, but that “the company was prohibiting employees from wearing masks or face coverings while at work.” The plaintiff seeks a TRO enjoining the employer from prohibiting
on employees from wearing face coverings and putting the plaintiff back her prior schedule.

May 5, 2020
Paterson Custodial & Maintenance Association v. Paterson Board of Education (Passaic County, New Jersey)
Plaintiff, a labor union, filed a lawsuit on behalf of its members against a local board of education seeking injunctive and declaratory relief, alleging that the defendant had violated the state emergency order pertaining to the COVID-19 pandemic. The plaintiff union alleged that the board of education violated the order by requiring its members to return to work on a full-time basis to perform their regular, non-essential duties. The plaintiff union alleges that the board’s disregard for the order places it members, many of whom are older and have pre-existing conditions, at risk of contracting COVID-19.

Wrongful Termination, Retaliation and Bias

December 31, 2020
Cody v. Rosenbaum Yeshiva of North Jersey (Bergen County, New Jersey)
The plaintiff, a physical education teacher, alleges that due to COVID-19, “school became virtual for all students and staff” in March 2020. When the school was scheduled to reopen in August, the plaintiff complained about the administration’s refusal to mandate that all students wear face masks while in the gymnasium. In response, the plaintiff was told that as long as the students were maintaining a distance of six feet between themselves, face masks were not necessary. The plaintiff responded that the students were “virtually never” six feet apart. Ultimately, the plaintiff alleges that the school disregarded the plaintiff’s safety concerns and refused to mandate face masks in the school. The plaintiff claims that on Oct. 23, the plaintiff was “terminated” “in direct response to her previous complaints about the School’s unlawful policies relating to students not wearing masks.” The plaintiff alleges that she was unlawfully retaliated against for making complaints about COVID-19 related measures, in violation of the New Jersey Conscientious Employee Protection Act.

George v. James L. West Center for Dementia Care (Tarrant County, Texas)
Around April 15, 2020, two of the plaintiff’s patients tested positive for COVID-19, and the defendant sent the plaintiff to get tested for the virus due to her contact with those patients. The plaintiff suffers from diabetes and high blood pressure, putting her at higher risk if she contracted COVID-19, so she contacted her doctor and asked what she should do next. Her doctor advised her to call the CDC hotline, which she alleges instructed her to self-quarantine while she awaited the results of her test. When the plaintiff informed the defendant’s administrator that she had been advised to self-quarantine, the administrator allegedly responded that the plaintiff could not quarantine simply because of potential exposure, and if she did, there would be no one to take care of her patients. The plaintiff responded that she did not feel comfortable returning to work, as the CDC had advised her to self-quarantine. The next day, the defendant’s HR director informed the plaintiff she was being terminated for refusing to return to work. The plaintiff sued under Texas state law, alleging the defendant failed to accommodate her disability
when it did not allow her to self-quarantine, and alleging that the defendant discriminated against her on the basis of an actual or perceived disability when it terminated her employment.

_Nyabogah v. Star Industries, LLC dba Star Building Services et al._ (Monmouth County, New Jersey)
The plaintiff, a 63-year-old African-American male, worked as a janitor for the defendants. He alleges that he was discriminated against and wrongfully terminated because of his age and race. The plaintiff claims he became concerned about contracting COVID-19 from using public transportation to commute to work, and that he was concerned about becoming seriously ill, given his age, if he did contract the virus. He alleges that, due to his concerns, he requested and was approved to take three weeks of unpaid leave from work. The plaintiff alleges that the day before his scheduled leave, his supervisor had him train a new employee, a “Hispanic man in his early twenties.” The plaintiff alleges that beginning on April 18, he attempted multiple times to contact his supervisor about returning to work, but she was unresponsive. According to the plaintiff, his supervisor called him on April 27, “out of nowhere and with no prior warning,” and informed him he had been terminated. The plaintiff alleges that his supervisor first told him that the board of directors made the decision to terminate him, but that she later changed her proffered reason for termination, stating it was based on purported performance issues. The plaintiff claims that he had never previously received feedback regarding his job performance. The plaintiff alleges that his termination was entirely motivated by his age and race, and that he was replaced by a “young Hispanic man.” The plaintiff brings this lawsuit alleging discrimination, wrongful termination, and retaliation for seeking a reasonable accommodation.

_December 30, 2020_

_Carlson v. Beltrami County_ (Beltrami County, Minnesota)
The plaintiff worked for the defendant as a legal assistant in the Office of the Beltrami County Attorney. She alleges that she was wrongfully terminated for raising concerns over working in the office during the COVID-19 pandemic. Specifically, the plaintiff alleges the state of Minnesota mandated that all workers who could work from home must do so, and claims that her job duties could be performed from home. The plaintiff alleges that her supervisor ended the practice of allowing her and other legal assistants to work from home and required them to work in the office. The plaintiff alleges she requested that she continue to be permitted to work from home, given that she had underlying respiratory issues that made her more vulnerable to serious complications from COVID-19, but her request was rejected. The plaintiff also alleges she reported to HR that upon her return to the office, her supervisor and other employees were not wearing masks as required by the governor’s mandate. She further claims she openly advocated for and suggested work schedules that would allow the legal assistants to work from home. The plaintiff alleges that shortly thereafter, her supervisor informed her she had been terminated, telling the plaintiff “she was not a good fit.” The plaintiff claims that she was terminated for raising concerns about office safety and following state mandates regarding COVID-19. She brings this lawsuit alleging retaliatory termination of employment, disability discrimination for failure to accommodate, and violations of the Minnesota Human Rights Act.

_December 29, 2020_
Janelle Richards v. Richmond Children's Center Inc. dba Richmond Community Services, et al. (Westchester County, New York)
The plaintiff worked as a workforce development specialist for the defendants from January to March 2020. The plaintiff claims that when the pandemic hit, she worked in an office that contained three desks with insufficient spacing, only one door, and no window. On March 16, one of the other two workers in that office developed COVID-19 symptoms. Two days later, the plaintiff requested that CPR training scheduled for March 20 be canceled, but the training was held anyway. The plaintiff began to experience COVID-19 symptoms on March 20, and took the day off for her well-being and out of concern for her coworkers. On March 23, the plaintiff learned from her supervisor that one of the coworkers sharing her office had tested positive for COVID-19. The plaintiff complains, however, that this information was not distributed more broadly or to upper management. The plaintiff herself made a report to upper management in which she also complained that COVID-19 safety measures were not being followed and that necessary information about coworker infection was not shared. On the morning of March 24, the plaintiff made a report to the state labor department about her coworker’s diagnosis and about her employer not following COVID-19 guidelines. The plaintiff’s employment was terminated on the afternoon of March 24, purportedly because the plaintiff disclosed the name of her coworker who had contracted COVID-19. In addition to claiming that her employer negligently handled a COVID-19 exposure, causing her to contract COVID-19 illness at work, the plaintiff alleges a hostile work environment based on gender, wrongful discharge based on gender, and retaliatory discharge for her pandemic-related complaints to management and to the state department of labor. The plaintiff seeks compensatory damages, attorney fees, and other relief.

Wilson v. Marshall Shredding, LLC, et al. (Western District of Texas)
The plaintiff, who worked as a driver and warehouse worker for the defendant, filed a complaint alleging that he was terminated in retaliation for exercising his rights under EPSLA and the FFCRA. According to the plaintiff, beginning in spring 2020, he was required to process medical waste and human remains – including COVID-19-infected waste. When the plaintiff confronted the defendants’ management about their alleged failure to implement infectious-disease protocols and to provide appropriate PPE, the plaintiff was told that the defendants were not going to provide the PPE and he could buy it himself. When the plaintiff developed symptoms consistent with COVID-19 and requested time off to test and quarantine, management denied his request and the plaintiff continued to work. In late July, the plaintiff become extremely sick while working, but he was forced to complete his shift. After work, the plaintiff took a COVID-19 test and was ordered by a health care provider to quarantine. When the defendants’ management instructed him to report to work, the plaintiff refused and requested that he be given paid time off to quarantine, consistent with the FFCRA. The next day, the plaintiff informed his manager that he had tested positive for COVID-19. When his manager did not believe him, the plaintiff contacted HR. According to the plaintiff, he was given a “bogus” reprimand when he returned to work on Aug. 13. Less than two weeks later, the plaintiff was terminated for allegedly stealing a thermometer – a claim the plaintiff says is false. According to the plaintiff, he was terminated because of his protected activities under the EPSLA and the FFCRA.
December 28, 2020

*Karyn Bishof v. City of Palm Beach Gardens* (Palm Beach County, Florida)
The plaintiff, a firefighter training to be a fire medic, alleges she was unlawfully terminated after she tested positive for COVID-19. On Feb. 10, the plaintiff began her month-long training to become a fire medic. On March 10, the plaintiff’s training instructor was notified that she had been exposed to COVID-19 while attending a conference in Tampa. The plaintiff alleges that by March 12, her instructor showed symptoms of COVID-19 but blamed her allergies. The plaintiff claims she developed a sore throat on March 15, and by March 18 she and two other classmates were all sick, along with their instructor. On March 20, the plaintiff claims she wore a mask to training, and after one of her supervisors asked why she was wearing a mask, she was sent home. On March 23, the plaintiff claims her supervisor notified the trainees that there would be no class for the rest of the week because their instructor was out sick. The plaintiff then went to get tested for COVID-19. On March 26, her test results came back positive and she was instructed to quarantine for 14 days. The plaintiff claims she notified her supervisor of her positive test result and asked if others would be tested. The plaintiff claims her supervisor responded that they would not test everyone because testing would prolong their training. The plaintiff claims that the defendant’s refusal to have others tested put trainees and their families at risk. On April 20, the plaintiff claims that despite being told she passed the training, her supervisor terminated her employment because she “failed to make probation.” The plaintiff alleges she was unlawfully terminated for asking her supervisor to have other employees tested for COVID-19 after she tested positive, purportedly in violation of the Florida Public Sector Whistle-blower Act.

*Smith v. NH Construction Services, LLC* (Ocean County, New Jersey)
The plaintiff worked as a construction coordinator for the defendant. The plaintiff alleges that during the COVID-19 pandemic, in spring and summer 2020, the defendant hoarded PPE and cleaning supplies. The plaintiff complained internally about this supposed hoarding. Additionally, the plaintiff claims the defendant directed him to lie to potential new subcontractors about the COVID-19 census data for nursing home sites “in order to entice the subcontractors to work on the projects.” The plaintiff alleges he told the defendant that he would not lie about the nursing home census data, and that shortly thereafter, the plaintiff’s job was posted as an open position. On July 30, as part of his job, the plaintiff met with a subcontractor. The next day, the subcontractor called the plaintiff and informed him that the subcontractor’s wife had tested positive for COVID-19, and that the plaintiff may therefore have been exposed to the virus. That day, the plaintiff met with his doctor, who advised him to quarantine for 14 days due to the potential exposure, and provided the plaintiff with a note to give to the defendant. Later the same day, the plaintiff provided his supervisor with the doctor’s note advising him to quarantine. Upon receiving the note, the plaintiff’s supervisor allegedly terminated his employment. The plaintiff sued the defendant, alleging his termination was retaliation for his internal complaint about the defendant’s hoarding of PPE and cleaning supplies, and his refusal to lie to subcontractors. The plaintiff alleges that his termination was thus in violation of the New Jersey Conscientious Employee Protection Act. He also claims his termination constituted discrimination regarding his need
December 23, 2020

Dolly v. Leimkuehler, Inc., et al. (Cuyahoga County, Ohio)
The plaintiff, a 72-year-old woman, worked for the defendant as a prosthetic technician. She alleges that in March, due to the COVID-19 pandemic, the defendant laid off most of its employees, including the plaintiff. They all returned to work in May. The plaintiff alleges that the defendant had another round of layoffs due to COVID-19 in July, including the plaintiff. She claims that all of the employees in the July layoffs were over 70 years of age and that she was the only female employee laid off at that time. Furthermore, she alleges that all employees over the age of 60 who were not laid off had their hours cut. The plaintiff claims that during the first week of July, before being laid off, she was instructed to train a younger male coworker to perform her job responsibilities, and that another younger male coworker informed the plaintiff that he was also being trained on some aspects of her job duties. The plaintiff alleges that the defendant told her coworkers that she was retiring, although according to the plaintiff, she had no intention of doing so. The plaintiff claims that the defendant terminated her employment and replaced her with a younger male employee who had less experience and less qualifications than the plaintiff. The plaintiff brings claims against the defendant for age and gender discrimination, alleging that the defendant used the COVID-19 layoffs as a pretext for discrimination.

Gimbel v. Allied Energy Efficient Experts, Inc. (District of New Jersey)
The plaintiff worked as a plumber and laborer for the defendant, a supplier of commercial and residential repair services. The plaintiff claims that he had medical conditions and disabilities, including arthritis of the spine, and was at “high risk for infection from COVID-19,” yet was required to work in “hot spots” where “significant COVID-19 exposure, contraction and death was occurring in New Jersey.” The plaintiff allegedly told his supervisor and human resources that he had “complicated disabilities” (that he offered to document medically) and needed the accommodation of either an N95 mask or medical leave until the defendant could obtain “OSHA and state-required” supplies and equipment. The plaintiff alleges that the defendant did not ask for medical documentation, and terminated his employment on March 18. According to the plaintiff, the defendant gave “conflicting reasons” for the discharge by opposing his unemployment application on the grounds that “he abandoned his job or supposedly quit.” Following his discharge, the plaintiff filed a complaint alleging interference with his FMLA rights, disability discrimination and retaliation under state law. Unrelated to his COVID-19 allegations, the plaintiff alleges regular and overtime wage violations under the FLSA and state law.

Kosta v. Robbins Research International, et al. (Southern District of New York)
The plaintiff was a personal results specialist for the defendants. She alleges that in April 2020, she became ill with COVID-19, was hospitalized and placed on a ventilator, and later diagnosed with cancer. She states that she was in a coma from April 12 through May 5, and that one of the individual defendants, who claims to be a life guru, falsely claimed that he saved her life in order to convince his followers that he had otherworldly powers. She alleges that the defendant’s publishing of false information about her health caused her extreme emotional distress to quarantine, in violation of the New Jersey Law Against Discrimination.
and damaged her reputation with her clients. She further claims that on May 29 she connected with the defendant’s human resources representative, who told her she could take state disability leave if she did not feel well enough to return. The plaintiff claims that the human resources representative failed to provide her with any other options, and that she repeatedly asked how much vacation time she had available, but the defendants would not tell her. She alleges that on June 15, the human resources representative informed her that her emergency FMLA leave expired on June 30, and that if she could not return to work, her health insurance would be terminated. She claims that she then asked if she could work reduced hours as an accommodation, but her request was denied. She alleges that she was repeatedly told that she should go on disability or could receive a severance. She claims that the company only stopped threatening to terminate her employment after she obtained a lawyer who submitted a letter of representation. The plaintiff brings causes of action for disability discrimination and intentional infliction of emotional distress.

Zepeda v. NTT DATA Services, LLC (Pima County, Arizona)
The plaintiff, a network data specialist, alleges that “at the beginning of the COVID-19 pandemic,” he asked management for protective gear and emergency protocols because his job required him to work in hospitals. The plaintiff alleges that instead of providing PPE and protocols, “management’s response was that if [employees] do not show up for their shifts, they would be fired.” The plaintiff claims he also requested to work from home, but the area director denied his request, stating: “business as usual, working from home denied.” The plaintiff alleges that he and about 25 other employees raised concerns to HR during a March 23 Zoom conference, including requests for protective gear such as gloves and scrubs, hazard pay, implementation of emergency protocols, and assistance with medical costs if an employee contracts COVID-19 at work. The plaintiff alleges that the employees only received “a stipend of 25% of their monthly pay, in lieu of hazard pay.” The plaintiff claims that just over two months “after he complained about workplace safety … [he] was called into a Zoom meeting with his immediate supervisor” and was told that “he was not smart enough” to remain employed by the company. The plaintiff claims during that meeting, he was informed he would be suspended with pay for the remainder of the month and then reassigned to a new client. The plaintiff alleges that at the beginning of July, he was no longer being paid and had not been reassigned to a new client. He further claims that on Aug. 7, he received a “‘mutual agreement’ of termination.” The plaintiff claims he was wrongfully terminated as a result of making complaints about safety amid the COVID-19 pandemic, in violation of the Arizona Employment Protection Act.

December 22, 2020
Kegley v. Premier Healthcare Management of Sandstone LLC (Pine County, Minnesota)
The plaintiff was a laundry attendant at the defendant’s nursing home during the COVID-19 pandemic. She alleges that the defendant knew that she suffered from COPD and asthma. She further alleges that when the defendant instructed her to wear her mask over both her mouth and nose, she requested a face shield as an accommodation to make breathing easier by not covering her nose. The defendant allowed the plaintiff to wear the face shield, but still required her to wear the mask over both her mouth and nose. According to the plaintiff, the Minnesota governor’s
Emergency Executive Order 20-81 guidelines exempt people with disabilities or medical conditions that make it difficult to wear a mask, and that she told her supervisor this. The plaintiff’s supervisor then suspended her, escorted her out of the building, and two hours later terminated her employment. The plaintiff claims that her termination amounts to disability discrimination, wrongful termination, failure to provide a reasonable accommodation, and reprisal under the Minnesota Human Rights Act, as well as Minnesota OSHA discrimination and Minnesota Whistleblower retaliation.

*Theresa Kornuc v. Blue Steam Rehab and Nursing* (Summit County, Ohio)
The plaintiff, a nursing home administrator, alleges the defendant terminated her employment in “retaliation after [the plaintiff] blew a whistle” for purported unsafe COVID-19 practices in the defendant’s workplace. The plaintiff alleges the defendant’s COVID-19 practices created a dangerous workplace that resulted in two recorded employee COVID-19 infections. The plaintiff further alleges that she filed an OSHA complaint regarding her workplace’s improper COVID-19 testing and their inadequate training of employees on the use of N-95 masks. The plaintiff further alleges that prior to filing her OSHA complaint, she reported the unsafe workplace condition to company owners and the company’s regulatory compliance officer, and that she recommended that the director of nursing be disciplined for putting the workplace safety of the company at risk. The plaintiff claims that she was terminated the day after she filed her OSHA complaint. The plaintiff filed a two count complaint alleging her termination was in retaliation for her complaints and in violation of Ohio public policy. Unrelated to her COVID-19 claims, the plaintiff also alleges that the defendant failed to pay her final paycheck.

*Sanders v. Allegis Group Co. dba Aerotek Staffing Agency, et al.* (Western District of Oklahoma)
The plaintiff, a housekeeper, sued the staffing agency that employed him and the hospital where he was assigned for “knowingly and maliciously” exposing him to COVID-19, and for wrongful termination and retaliation. Specifically, the plaintiff alleges that his job duties required him to clean the hospital rooms of COVID-19 patients, but that the defendants failed to provide him with proper PPE. The plaintiff claims that in March, he had to clean a COVID-19 room without any PPE, and he reported this instance to his supervisor. The plaintiff claims that after he reported this incident, his supervisor “vengefully reassigned” cleaning duties so that the plaintiff would have to clean all of the COVID-19 rooms. The plaintiff alleges that after making multiple complaints about the lack of PPE, he was given an N95 mask, but that it did not properly seal to his face. He alleges that he told his supervisor that he would not clean another COVID-19 room without proper PPE. The plaintiff alleges that shortly thereafter, he was terminated, and the defendant’s purported reason was for not responding to requests and refusing to clean COVID-19 rooms. The plaintiff alleges that his termination was in retaliation for his complaints about the PPE. He also brings a breach of contract claim for the hospital’s purported failure to follow federal mandates to provide him with proper PPE. Furthermore, the plaintiff brings claims for race and age discrimination, alleging that his younger, white, pregnant co-worker was not forced to clean COVID-19 rooms because she was in a high risk category if she contracted COVID-19. According to the plaintiff, “[a]ged Blacks are notably at a higher risk of death from [COVID-19] than younger pregnant
White females,” but he was allegedly still forced to clean COVID-19 rooms while his co-worker was excused.

Lori Valerio and Tracy Rizen v. Equity Communications LP and Gary Fisher (Atlantic County, New Jersey)
The plaintiffs, who had worked as sales account executives with the defendants for 24 years, claim that their employment was terminated after they expressed concerns over the lack of COVID-19 safety measures. They claim that safety measures (including mandatory mask-wearing) were communicated with the workforce, but that the individual defendant refused to wear a mask, putting others at risk. At least one of the plaintiffs said she would not meet with the individual defendant in the office until the governor’s executive orders for lockdowns were lifted; he allegedly replied that this would not work for him and that she would find herself out of work. Both plaintiffs expressed concern related to their respective health issues, and both claim disabilities. The plaintiffs also claim that before the pandemic, the individual defendant asked about their ages and made comments to them about job security for those aged 50 or older and the need for younger employees. The plaintiffs allege that their employer also misused the PPP loan it obtained and lowered commissions, health insurance benefits, and general pay. The plaintiffs make wrongful discharge, harassment, and retaliation claims under state age and disability discrimination laws and public policy, requesting lost wages and benefits, damages for emotional distress and mental anguish, embarrassment, shock and humiliation, punitive damages, and other relief.

December 22, 2020
Testa v. Community Options Residential Services, Inc. (New Haven County, Connecticut)
The plaintiff, a program manager for a disability services provider, filed a complaint against her employer for disability discrimination and wrongful discharge. The plaintiff alleges that during the COVID-19 pandemic, she was diagnosed with bronchitis and asthma, and reported her diagnoses to her employer. The plaintiff alleges that her employer then furloughed her for seven days. The plaintiff alleges that she requested to be laid off given her high risk of contracting COVID-19, but her employer placed her on “paid reserve.” The plaintiff alleges that her employer then required her to travel to and work at one of its group homes rated at a “level 4” due to a positive COVID-19 case or exposure and, after she expressed her health concern and declined the assignment, her employment and health insurance benefits were terminated. The plaintiff seeks unspecified money damages, reinstatement or front pay, punitive damages, attorneys’ fees, and costs.

December 21, 2020
Alvarado, et al. v. United Hospice Inc., et al. (Southern District of New York)
The plaintiffs, Black and Hispanic hospice employees, allege that they were discriminated against on the basis of their race and were subjected to a hostile work environment. The plaintiffs allege that there was a pattern of discrimination which “unreasonably put the health and safety of minority employees at risk during the COVID-19 pandemic.” Specifically, the plaintiffs allege that Hispanic social workers and counseling staff were “pressured to conduct in-person visits with patients and their families, including their homes, during the pandemic.” One plaintiff specifically complained about the counseling team’s safety concerns, and alleges that
white nurses were “working under the ‘tele-med project’ that had been promised to the counseling staff as well.” That plaintiff claims that the defendants engaged in a pattern of allowing white employees to disregard COVID-19 safety precautions while reprimanding Hispanic employees for necessary activities like lowering their masks while eating lunch. Another plaintiff, who “faced a heightened risk of COVID-19 complications,” alleged that she requested an accommodation to limit in-person visits and that plaintiff Alvarado assured the defendant’s human resources that the caseload could be reassigned to make the accommodation feasible. She alleges that the defendants did not engage in meaningful dialogue, and ultimately provided her with an accommodation “but set arbitrary time limits unrelated to actual threats to [her] health and safety.” Additionally, another plaintiff, a Black employee, alleges that she was micromanaged, demeaned in front of her co-workers, and criticized for the decline in volunteers due to the COVID-19 pandemic. The plaintiffs allege that they were discriminated against on the basis of their race and treated differently than white employees of the defendant.

_Bennet v. ALCOR Scientific, Inc._ (District of Rhode Island)
The plaintiff worked for the defendant as a regional sales manager, and alleges the defendant wrongfully terminated him for raising concerns about working in-person. The plaintiff alleges he suffers from mid-aortic syndrome, and the defendant was aware of this. The plaintiff states that in March, the defendant instructed its staff to work from home due to the COVID-19 pandemic. The plaintiff claims that on May 18, the defendant informed the sales team they would be returning to the office on June 1. The plaintiff alleges that he raised health and safety concerns about returning to the office, and noted that doing so would violate state and federal workplace guidelines and the governor’s executive order on COVID-19 workplace safety. The plaintiff alleges that despite his and other employee’s concerns, the defendant required all sales personnel to return to work in the office. The plaintiff claims he sent the HR manager an email asking if he could continue to work from home since he is an immunocompromised individual, but the HR manager informed him that the defendant was no longer offering the option of working remotely. The plaintiff claims that on June 1, he received a call from HR notifying him that he had been terminated, and that HR stated the plaintiff’s termination was due to “performance-related issues” and his “attitude.” The plaintiff claims that he had a better sales record than two of the six sales team members, yet the two employees with worse sales numbers were not terminated. The plaintiff alleges that the defendant’s purported reason for his termination was a pretext for disability discrimination, allegedly violating the ADA, the Rhode Island Civil Rights of People with Disabilities Act, and the Rhode Island Civil Rights Act.

_Lonon v. Intech Construction, Inc._ (Eastern District of Pennsylvania)
The plaintiff alleges his employment was terminated in violation of the FFCRA and FLSA. The plaintiff claims that pursuant to the defendant’s COVID-19 screening protocols, employees reported any flu-like symptoms and had their temperature taken by a nurse prior to being permitted to clock-in for work. The plaintiff claims he had a temperature of 96 degrees, but also informed the nurse he had experienced a headache, cold sweats, chills and lower back pain the previous day. The plaintiff alleges he was directed to undergo a COVID-19 test before returning to work, and he scheduled a COVID-19 test and forwarded an email confirming the scheduled test to his supervisor and indirect manager. The
plaintiff claims that a union hall agent informed him that one of his indirect supervisors “was contemplating laying [the plaintiff] off purportedly because no one in [the defendant’s] management was aware of [the plaintiff’s] work status”. The plaintiff also alleges he was falsely accused of arriving late to work the day he reported the COVID-19 symptoms and was accused of abruptly leaving. The plaintiff claims he was sent his paycheck in the mail and later informed he had been laid off. The plaintiff alleges that only one other person was laid off and that he believed it was actually related to leave for military duty, and that the other employee was not actually selected for a layoff. Thus, the plaintiff alleges that he was retaliated against “for requesting and/or utilizing emergency paid sick leave under the FFCRA and the FLSA.”

December 18, 2020

Beckman v. Great Lakes Gastroenterology PLC (Western District of Michigan)
The plaintiff, who began working for the defendant in March 2020, filed a three-count complaint claiming that her termination violated the FFCRA and Michigan’s Persons With Disabilities Act. According to the plaintiff, after she began experiencing symptoms consistent with COVID-19 on Oct. 29, she consulted with a physician through a telehealth visit (while still at work) and then left work immediately. Later that day, the plaintiff contacted her supervisors and told them that she had left work because of her COVID-19 symptoms. Two days later, the plaintiff tested positive for COVID-19. When the plaintiff informed her supervisors of her positive test result, she was told she could not return to work until she tested negative for COVID-19, even if she had self-quarantined for 14 days and did not have symptoms. Over the next two-week period, the plaintiff tested positive for COVID-19 two additional times. Nevertheless, after the plaintiff had self-quarantined for more than 14 days without any symptoms, the plaintiff asked to return to work. The defendant refused her request and told her on Nov. 23 that she would only be allowed to return to work if she presented a letter from a physician clearing her to return to work. The next day, the plaintiff sent the defendant a letter from her physician clearing her to return to work on Nov. 24. The defendant fired the plaintiff shortly thereafter, supposedly “for somehow taking ‘unauthorized’ leave.” The plaintiff claims the purported “reasons for [her] dismissal were untrue and a pretext for discrimination.” She alleges she was terminated because the defendant perceived her as disabled in violation of the Michigan Persons With Disabilities Act and in retaliation for taking leave protected by the FFCRA and the Michigan Persons With Disabilities Act.

Aguayo v. Shield N Seal, et al. (Sacramento County, California)
The plaintiff, a graphic designer with asthma, asserts that he worked remotely for the defendant because of COVID-19 from March 18 to Sept. 18, when the defendant informed him that he was to resume working from the office. The plaintiff claims he responded by citing roughly 20 purported instances of co-workers not wearing masks, describing other concerns about compliance with CDC guidelines, and stating his desire under the circumstances to continue to work remotely. According to the plaintiff, he was terminated the same day he submitted his response to the defendant. After his discharge, the plaintiff filed a 17-count complaint, alleging, among other things, retaliation for reporting alleged health and safety concerns, disability discrimination, failure to accommodate, failure to engage in the interactive process, unpaid overtime, and other wage
and hour violations.

Magyar v. Pocono Motorcycles, LLC dba Pocono Mountain Harley-Davidson (Middle District of Pennsylvania)
The plaintiff was an assistant parts manager at a motorcycle store and sued his employer for alleged wrongful termination in violation of the FFCRA, FMLA, and FLSA. The plaintiff alleges that he informed the defendant that he would need to take the 12 weeks leave provided under the FFCRA to care for his children, since his children's school had been closed to in-person instruction due to COVID-19. The plaintiff alleges that he requested to take leave in early August, with the leave beginning on September 8, and his request was approved. The plaintiff claims that as his leave start date neared, he was subjected to “hostility and animosity” from the defendant’s management team, and alleges that the defendant denied him access to certain things he needed to perform his job, demoted him to a “counter person,” and made false accusations about his work performance. On September 6, the plaintiff claims his supervisor informed him he was being “laid off” because it would cost the defendant money to pay the plaintiff during his leave under the FFCRA. The plaintiff alleges his supervisor tried to make it appear as though he was doing the plaintiff a favor by laying him off so he could collect unemployment benefits during his leave, and then return to work when he no longer needed leave. The plaintiff alleges that following his separation, his direct manager informed him he would “never work for [the] defendant again.” The plaintiff brings claims against the defendant for retaliating against him for requesting leave by terminating his employment, allegedly in violation of the FFCRA and the FMLA. The plaintiff also alleges he is entitled to the wages he would have been paid under his leave pursuant to the FLSA, and that he was denied a statutory entitlement to pay.

Mulhall v. River City Glass and Mirror, Inc. (Western District of Kentucky)
The plaintiff was a payroll clerk for the defendant. She alleges she suffers from anxiety, chronic bronchitis, and chronic obstructive pulmonary disorder (COPD). She claims that on March 19, she informed both owners that she was “at a higher risk for contracting the COVID-19 virus.” She claims one of the owners responded that COVID-19 was “no worse than the flu,” and dismissed her concerns. She claims that on March 31, her physician ordered her to self-quarantine for 14 days as a COVID-19-related precaution after she developed bronchitis. She claims that she asked if she could work remotely during the 14-day period, and that both owners declined her request and expressed they were frustrated with her needing time off. She claims that during her absence, one of the owners assumed her responsibilities and continued to express frustration that the plaintiff was on leave. She also claims that one of the owners informed her that the company was not subject to the FFCRA’s requirements. The plaintiff alleges that on April 13, she attempted to return to work, and one of the owners began “berating [her] with performance issues and false accusations.” She claims that the defendant terminated her employment the same day, purportedly for “stealing time and misappropriating time through a ‘borrowing system.’” She alleges that she is the only employee to be punished for using the borrowing system, which was designed by the owners. She claims that the stated reason for her termination is pretextual, and that she was actually terminated for taking leave. She brings causes of action for disability discrimination and retaliation.

Paez v. Florida Department of Health (Middle District of Florida)
The plaintiff, a human resources counselor who suffers from an
unspecified physical or mental condition that substantially limited her ability to perform one or more major life activities, alleges that in March, she made several inquiries about precautions being taken at her facility to prevent the spread of COVID-19. The plaintiff claims that in response, she received a “counseling” from her supervisor “for her negative attitude.” The plaintiff alleges that on April 3, she requested that she be excused from taking temperatures of the patients at the facility’s entrance, and stated she would support the request with a doctor’s note. The plaintiff alleges she was called into two supervisors’ offices to discuss her disability and medical condition, and the supervisors insinuated that the plaintiff “made up her underlying medical condition and disability.” The conversations ended with the supervisors telling the plaintiff to utilize her paid time off. The plaintiff claims she obtained a doctor’s note to be excused from taking temperature at the front entrance, but her employer still “refused to engage in an interactive discussion regarding Plaintiff’s request for accommodation.” The plaintiff alleges disability discrimination under the ADA, failing to provide a reasonable accommodation under the ADA and the Florida Civil Rights Act, retaliation under the ADA the Florida Civil Rights Act, and handicap discrimination under the Florida Civil Rights Act.

December 17, 2020

Borgelt v. Trilogy Home Care, Inc. (Clackamas County, Oregon)
The plaintiff, a Black woman, alleges among other things that the defendant, a home care company, discriminated against her for complaining about discriminatory scheduling practices based on race and color in violation of Oregon law. The plaintiff alleges that she reported remarks she overheard about discriminatory scheduling, including comments like, “she’s too dark; she can’t go there.” The plaintiff alleges that the defendant did not take her concerns seriously and attributed the scheduling practices to its clients’ preferences. The plaintiff also claims that she informed the defendant that she “was experiencing symptoms that were similar to COVID-19 and did not want to infect others at work.” The plaintiff alleges that her physician ordered her to not work for six weeks. A few days later, she claims, she received a letter indicating that her employment was terminated “as part of a ‘reduction in force’ due to the pandemic.” The plaintiff alleges that this statement was untrue, and that the defendant was retaliating against her because she opposed removing Black employees from the caregiving schedules based on skin color preferences of the defendant’s clients. The plaintiff claims that she was wrongfully discharged for opposing the discriminatory practices and that the defendant terminated the plaintiff’s employment “in substantial part because she submitted a request for family leave,” in violation of Oregon law.

Samantha Eiler v. Allegheny Health Network (Western District of Pennsylvania)
The plaintiff, a registered nurse, claims violations under the ADA, Title VII and the FMLA related to her termination after she requested to work remotely. Specifically, the plaintiff claims her doctor advised her to work from home due to her asthma and the resulting increased risk for illness from COVID-19, but that her request for remote work was denied without discussion. As a result, the plaintiff claims that she took a “two-week quarantine,” believing that she was taking FMLA leave, but later learned she was ineligible for FMLA leave due to inconsistencies in her paperwork. The plaintiff claims that, after taking leave that she believed
was protected, she was informed she was terminated because she missed work without obtaining proper authorization. The plaintiff believes her termination was a pretext for disability discrimination, and in retaliation for taking what she believed to be FMLA leave.

**December 16, 2020**

*Diana Franklin v. Engineering Support Personnel, Inc.* (District of Nevada)
The plaintiff, a private defense contractor for an aviation simulator program, claims she suffered from an unspecified respiratory disability subjecting her to increased risk for illness from COVID-19. She alleges her employer violated the ADA when it failed to initiate the interactive process to discuss the plaintiff's need for accommodation, her disability, or the risks the plaintiff would face without accommodations. Specifically, the plaintiff claims she warned her supervisor of her respiratory issues, but her warnings went unanswered. The plaintiff claims that after a customer pilot and his son entered the simulation room without masks, she sprayed the room and machine down with alcohol after they exited the room. The plaintiff alleges that she was subsequently advised by her supervisor to "stay at home with pay until further notice," because the pilot complained that the plaintiff had "sprayed alcohol on him." The plaintiff alleges that she was then terminated for "showing unprofessional high risk behavior and an inappropriate attitude towards the customer pilot." The plaintiff claims that her termination was the result of her expression for an urgent need for an accommodation for her disability, and was a pretext for disability discrimination.

*Marsha Palmer v. Embassy Winchester, LLC* (Southern District of Ohio)
The plaintiff, a former dietary manager for the defendant, alleges she was unlawfully terminated after she tested positive for COVID-19 and requested paid leave. On May 7, the plaintiff alleges she tested positive for COVID-19 and that on the same day, she informed her supervisors that she tested positive and her supervisors asked that she provide a doctor’s note confirming her diagnosis. The plaintiff also alleges that on May 7, she requested leave due to her COVID-19 diagnosis and asked what she needed to do to ensure she received paid leave in accordance with the FFCRA. In response, the plaintiff alleges that her supervisors told her the only way to receive pay for leave was to apply for unemployment. The plaintiff alleges that while she was on leave, she regularly updated her supervisors and the human resources representative about her medical condition. On June 3, the plaintiff alleges that a human resources representative notified her that she was terminated because of "job abandonment." The plaintiff alleges, however, that the defendant knew that she did not abandon her job. Based on these allegations, the plaintiff claims that her termination was unlawful and the defendant’s actions were retaliatory and in violation of the FFCRA and public policy.

*Moore v. Catalyst Fabric Solutions, LLC* (Northern District of Florida)
In June 2020, the plaintiff’s young son developed serious health issues that required him to have surgery. Moreover, due to COVID-19, the plaintiff was unable to find suitable childcare for his son. Thus, the plaintiff informed the defendant that he would need to reduce his hours to care for his son, and would need two weeks off for his son’s surgery. The defendant informed the plaintiff that he would need to work a reduced schedule, but allegedly did not inform him of the availability of leave under the FMLA or FFCRA. In September, after his son’s surgery, the defendant informed the plaintiff he would no longer be permitted to work a modified schedule, even
though he had not exhausted 12 weeks of FMLA leave. The defendant then terminated the plaintiff’s employment, supposedly because he could not return to a full schedule immediately after his son’s surgery. The plaintiff sued the defendant, alleging FMLA interference for the defendant’s alleged failure to inform him of the availability of FMLA leave, and for FFCRA interference and retaliation because of his inability to work a full schedule because he could not find childcare for his son.

December 15, 2020

Blumas v. University Hospital, et al. (Essex County, New Jersey)
The plaintiff, a 62-year-old hospital project manager, alleges that in March 2020, the hospital where he worked transitioned into a COVID-19 hospital “without adequate planning and staff training,” and failed to provide its staff with adequate PPE. The plaintiff alleges that on April 15, he was selected to participate in the “non-clinical labor pool two days per week” wherein the plaintiff was required to check the temperatures of patients entering the hospital and deliver water to all floors of the hospital. The plaintiff alleges that he sought an accommodation due to his advanced aged, but was told that “his assignment was mandatory regardless of personal risk and that failure to comply would result in pay being excluded for the assigned dates.” The plaintiff claims that he was subsequently terminated on July 10, purportedly because the hospital faced “financial uncertainties” and needed to “achieve cost efficiencies and reorganize certain functions at the hospital.” The plaintiff alleges that the “financial uncertainties” was a “pretextual justification” for his unlawful termination. The plaintiff alleges that given his age and lack of training, he should have received an accommodation for his non-clinical labor pool assignment, that he was discriminated because of his age, and that he was retaliated against for seeking an accommodation under the New Jersey Law Against Discrimination.

German v. New Grove Manor (Essex County, New Jersey)
On the morning of April 9, the plaintiff, an LPN who was pregnant, was not feeling well. When she arrived at work, the defendant’s security guard took her temperature, which was at 100.1. The plaintiff informed her manager that she was not feeling well and that she had a temperature and did not want to risk getting her patients sick, especially in the midst of the COVID-19 pandemic. According to the plaintiff, her manager forced her to work anyway or face losing her job. The plaintiff alleges her manager told her to “stop being dramatic” and report to her floor or she “was not going to have a job.” Later in the day, and still not feeling well, the plaintiff called her manager from her floor and again asked to go home. In response, the plaintiff claims her manager stated: “I am tired of you. I don’t care what you say about your sickness or your pregnancy.” About 45 minutes after this conversation, the plaintiff’s manager allegedly approached the plaintiff and demanded her keys and told her she was being terminated, but refused to provide a reason why. The plaintiff alleges she later heard that her manager was telling others that the plaintiff was “faking everything.” The plaintiff sued the defendant, alleging a violation of the New Jersey Conscientious Employee Protection Act, disability discrimination under state law, and wrongful termination in violation of public policy.

Gosser v. The City of Punta Gorda, Florida (Middle District of Florida)
The plaintiff, an instrumentation technician, claims violations under the FMLA, including FMLA interference and retaliation. The plaintiff alleges
that he “became afflicted with Covid-19, was sent home from work, and
developed complications from Covid-19.” The plaintiff claims he was
placed on FMLA leave, but that the defendant “demanded that he engage
in work and essentially remain on-call even while afflicted with Covid-19.”
The plaintiff alleges that after returning from FMLA leave, the defendant
placed him on administrative leave, and then terminated his employment.
The plaintiff alleges that the defendant’s stated reason for terminating him
was that he “refus[ed] to assist [his] co-workers during the recent SCADA
outage [which] is not only unacceptable, but could be construed as
misconduct, to include severe disobedience and insubordination.” The
plaintiff alleges that he was actually disciplined and terminated for
exercising his FMLA rights and refusing to work while on FMLA leave.

**December 14, 2020**

*Gallo v. Timberland Home Center, Inc.* (Southern District of Indiana)
The plaintiff was a laborer for the defendant. He claims that on Nov. 10,
he fell ill with symptoms of COVID-19, which he immediately reported to
his supervisors. He claims he then went into quarantine and took a
COVID-19 test, which came back positive on Nov. 12. He alleges that
three weeks later, he still had symptoms of COVID-19 and therefore had
not been cleared to return to work. He claims that during the time he was
sick, he reached out to his supervisors and that the County Health
Department informed him it was making contact with the defendant about
the plaintiff and other employees who had tested positive for COVID-19.
The plaintiff claims that on Nov. 30, one of his supervisors left him a
voicemail terminating his employment for supposed job abandonment.
The plaintiff alleges that he was then able to reach his other supervisor,
who told him they did not know he had tested positive for COVID-19 and
refused to rescind his termination. He brings causes of action for failure to
provide medical leave and job restoration under the EFMLEA and failure
to provide leave under the EPSLA. He also brings retaliation and
discrimination claims based upon the defendant’s alleged illegal
termination of his employment under the FFCRA.

*Hollobaugh v. Pohl Transportation, Inc.* (Southern District of Ohio)
The plaintiff, a truck driver who suffers from diabetes, PTSD, and
depression, alleges that in March 2020 he needed to take multiple days
off work due to his wife’s colon cancer. The plaintiff alleges that the owner
of the company repeatedly threatened the plaintiff for “abusing the
company” by taking time off for his wife’s disability. The plaintiff claims
that on March 29, he spoke with the head of safety about his wife’s
disabilities and his safety concerns about driving routes in areas with high
COVID-19 infection rates. The plaintiff alleges that the head of safety told
him that “if he did not drive as demanded, he would be fired.” The
complaint states that the plaintiff provided his employer with a doctor’s
note preventing him from working until June 1 due to the COVID-19
pandemic. The defendant’s owner allegedly said that the plaintiff’s
doctor’s note “prevented him from ever driving again,” which the plaintiff
stated was false, as the only limitation was that the plaintiff “should not
continue driving until it was safe to do so because of the pandemic.” The
plaintiff alleges that his benefits were terminated on March 31, which the
plaintiff claims amounted to his termination. The plaintiff alleges that he
was terminated in violation of public policy, he was discriminated against
because of his disability, his employer failed to accommodate his
disability, and his employer interfered with his right to take leave under the
FFCRA.
Jinai Rand v. M.J. Hall & Co. Inc. et al. (San Joaquin County, California)
The plaintiff, an accounting assistant, claims that she was wrongfully terminated in violation of California’s Fair Employment and Housing Act. Specifically, the plaintiff alleges that she requested and was granted leave to care for her children during a COVID-19 related school closure. She later requested an extension of her leave when her son was medically evacuated and hospitalized due to a brain tumor. In response, the plaintiff claims, her employer informed her that she would be contacted within a few weeks about her return to work. However, a month later she was called into the office and terminated. Although the plaintiff does not specify the employer’s purported reasons for her termination, she believes she was terminated because of her association with her son’s disability and need for a reasonable accommodation related to his disability, and in retaliation for requesting accommodations and taking protected leaves of absence.

Strawser v. Providence Healthcare Network (Dallas County, Texas)
The plaintiff worked as a microbiology technologist for the defendant. Throughout the spring and summer of 2020, the plaintiff spent most of his time processing COVID-19 tests at the defendant’s hospital laboratory. According to the plaintiff, “it was a common and accepted practice” for technicians working in the defendant’s laboratory to periodically test themselves for the virus, because of their potential exposure through the test samples. On June 9, the plaintiff started experiencing symptoms of COVID-19 and tested himself. His test was positive, and he informed his supervisor, who immediately sent him home. A couple of days after he tested positive, a member of the defendant’s health and safety department contacted the plaintiff regarding his positive test result. During this call, the plaintiff reported concerns about what he alleges to be inadequate filtration and ventilation in the defendant’s facility where COVID-19 samples were tested. The defendant instructed the plaintiff to file a workers’ compensation claim, which he did. Then, on June 18, the defendant informed the plaintiff that his employment was terminated because he had “stolen company resources in testing himself for COVID-19. The plaintiff sued the defendant, alleging that this reason is a pretext for retaliation based on his complaint of inadequate filtration and ventilation, and retaliation for his filing of a workers’ compensation claim.

Tapia v. Tote Systems International, LP (Tarrant County, Texas)
The plaintiff sued his employer for wrongful termination, allegedly because of absences due to contracting COVID-19. The plaintiff states that on April 16, he tested positive for COVID-19 and was ordered to quarantine for two weeks. The plaintiff alleges that when he returned to work on May 4, the defendant issued him a notice of discipline for violating attendance policies and not finishing assigned work, and that he was terminated for these violations. The discipline notice had a violation date of March 19, but the plaintiff alleges that between March 19 and May 4 he was never informed of the alleged attendance issues. The plaintiff claims that all of his absences prior to his COVID-19 diagnosis and quarantine were requested in advance and pre-approved by the defendant. The plaintiff also claims his termination was inconsistent with the defendant’s own policy, as the termination document states “a recommendation for termination is usually the fourth step involving minor offenses of a minor nature.” The plaintiff claims the defendant discriminated against him because he contracted COVID-19 and had to miss work by terminating him for having a disability or perceived disability
The plaintiff filed suit against her former employer for alleged disability discrimination, among other claims, in violation of California law. The plaintiff alleges that her supervisors held a staff meeting where they informed the plaintiff that missing work due to COVID-19 symptoms would lead to termination. In June 2020, the plaintiff alleges, she developed COVID-19 symptoms including a fever. The plaintiff alleges that she therefore qualified as disabled under California law. After developing symptoms, the plaintiff alleges that she went to her doctor who “ordered” the plaintiff to stay home for three days. The plaintiff alleges she told her supervisors that she needed to stay home and provided them with a note from her doctor. The plaintiff claims that her supervisor responded by reminding her of the staff meeting regarding termination of employees who take time off due to COVID-19, and further that her supervisor told the plaintiff “it was not going to work out.” The plaintiff alleges that several days later, she was terminated by her supervisor after attempting to clock into work. Based upon these allegations, the plaintiff claims that the defendants violated California law by discriminating against her alleged disability (COVID-19), failing to accommodate her alleged disability, and failing to engage in the interactive process. The plaintiff also claims that the defendant violated the California Family Rights Act by interfering with and retaliating against her for taking time off.

December 11, 2020

Fesko v. Station Casinos, LLC, et al. (District of Nevada)
The plaintiff, who is over the age of 40, was an assistant table games shift manager at a casino. On March 18, all casinos in Nevada were shut down due to COVID-19. The plaintiff claims that on May 1, she was told by the director of casino operations that she was being terminated because “her position as Table Games Shift Manager was being eliminated.” The plaintiff claims that after she found out she was terminated, the plaintiff learned that an assistant shift manager who was a white male in his late 30s was not terminated, but instead transferred to a different casino as a shift manager. The plaintiff claims that about one week later, she learned that two other shift managers, both males, were transferred to different casinos as shift managers. The plaintiff alleges that “all of the shift manager and assistant shift managers that were males, [with the exception of two], were transferred to other [casinos].” The plaintiff asserts that she was discriminated against on the basis of her sex in violation of Title VII and because of her age in violation of the ADEA.

Fondaco v. Pieros Construction Co., Inc., et al. (Somerset County, New Jersey)
The plaintiff, an administrative assistant at a construction company, sued her employer for wrongful termination in violation of the New Jersey Conscientious Employee Protection Act and public policy. The plaintiff alleges that on April 8, the defendant temporarily shut down its business to comply with the governor’s executive order due to the COVID-19 pandemic. According to the plaintiff, she received an email on April 20 informing her that the defendant would be re-opening on April 27. The plaintiff alleges that she responded to this email stating she did not want to come back into work because doing so would violate the governor’s
executive order that required the company to remain closed. Shortly after sending this email, the plaintiff states, she received a letter from the defendant informing her that her employment had been terminated. The plaintiff alleges that one of her co-workers who had also questioned the defendant’s re-opening was terminated as well. The plaintiff claims that when she went to the office to retrieve her belongings, her direct supervisor “essentially confirmed that she was being terminated for objecting and refusing to go along with” the defendant’s reopening. Therefore, the plaintiff alleges her termination was unlawful retaliation for objecting to the plaintiff’s reopening plans.

*Ruiz v. Chancellor Health Care, LLC et al.* (Sacramento County, California)
The plaintiff, a caregiver, sued her employer for wrongful termination. The plaintiff alleges that on July 25, she arrived at work and her supervisor took her temperature, which showed she had a fever. However, her supervisor instructed her to clock in and to begin working. Later that day, the plaintiff was instructed to go home. The plaintiff claims that she tested positive for COVID-19 on or about July 27, and self-quarantined for two weeks thereafter. The plaintiff alleges that from Aug. 10 to 20, she attempted to return to work, but the defendant refused to put her back on the schedule and terminated her employment on Aug. 21. The complaint states that the defendant’s stated reason for the plaintiff’s termination was “failure to follow corporate policy regarding COVID-19 procedures on July 25.” The plaintiff alleges that her termination was wrongful because on the day she purportedly failed to follow the defendant’s policy, her supervisor allegedly instructed her to clock in and begin working. The plaintiff further alleges that another reason given for her termination was a failure to sign the employee screening sheet, but that when a co-worker failed to sign the same sheet on Aug. 20, that employee was given a reminder to sign the sheet, and was not terminated or disciplined. The plaintiff brings claims against the defendant for “physical disability” and “medical condition” discrimination under the California Fair Employment and Housing Act and retaliation for having to miss work to quarantine, allegedly in violation of the California Family Rights Act and the FFCRA. The plaintiff also brings a variety of causes of action unrelated to COVID-19, including failure to pay minimum and overtime wages, failure to pay wages owed, failure to provide paid rest breaks, and failure to provide itemized wage statements.

*Schuler v. Axiom Solutions* (Hardin County, Kentucky)
After the onset of the COVID-19 pandemic in mid-March 2020, the defendant denied the plaintiff’s requests to work remotely on four separate days in March. The plaintiff was particularly concerned about the virus because she suffers from an autoimmune disorder that makes it difficult for her to fight off infections. On March 25, the plaintiff’s boss finally relented and stated he would allow her to work from home. The next day, the plaintiff provided a note from her doctor detailing her heightened risk for the virus and supporting her need to work remotely. However, the plaintiff’s boss allegedly called her on March 30 and asked her to log off of her work account so that he “could train the new person he hired to do her job.” The next day, the plaintiff was locked out of her work account. On April 3, the plaintiff received an official notice stating the reason for her termination was “abandonment.” The plaintiff sued the defendant, alleging discrimination based on an actual or perceived disability and wrongful termination in violation of public policy.
Alejandro Carrillo v. Metal of California Inc., et al. (Orange County, California)
The plaintiff, a lamination worker, claims he was discriminated against due to his disability and retaliated against in violation of California's Fair Employment and Housing Act. The plaintiff alleges that after he informed his employer of his positive COVID-19 diagnosis, he was denied leave as a reasonable accommodation, and he was constructively terminated due to harassment from his supervisors. Although the plaintiff does not specify the nature of the harassment, the plaintiff claims that the "working conditions were so intolerable that a reasonable person in [the plaintiff's] position would have had no reasonable alternative except to resign."

Hill v. Eihab Human Services, Inc., et al. (Bergen County, New Jersey)
The plaintiff, an assistant manager for group homes for the developmentally disabled, alleges that she was terminated in violation of the New Jersey Conscientious Employee Protection Act "for objecting to conduct she reasonably perceived as unlawful or in violation of a clear mandate of public policy implicating public health, safety and welfare." The plaintiff alleges that another assistant manager failed to observe screening and handwashing procedures upon entering one of the group homes that she oversaw. The plaintiff claims that she confronted the assistant manager about his failure to comply with the COVID-19 procedures "to no avail." The plaintiff's subordinates in another group home informed her that the assistant manager had not observed the screening and handwashing procedures upon entering their facility either. The plaintiff sent a joint communication to the defendants relaying the assistant manager's failure to observe the COVID-19 procedures and noting the defendant's "continuing failure to provide individual thermometers or barriers for the safety of residents and staff." The plaintiff alleges that she wrote the joint communication, signed it, then scanned and emailed it to her subordinates at the other group home to review and sign. The plaintiff claims "because of [the other assistant manager's] unsafe conduct [at the group home], coupled with the fact that she has a serious underlying asthma condition, she should not remain at [the group home]." The plaintiff alleges that she was granted permission to leave but that immediately afterwards, she was placed on administrative leave without pay. The plaintiff was subsequently terminated for allegedly breaking the defendant's policy of entering another group home during that group home's quarantine to obtain the subordinates' signatures. The plaintiff alleges that the signatures were obtained electronically, and that she was wrongfully terminated in retaliation for her complaints about violations of health and safety policies.

Jordan v. Edisto Vision Center (Orangeburg County, South Carolina)
The plaintiff worked in the defendant's "optical dispensary," a supposedly high-traffic area that required the plaintiff to be in close contact with customers. When the COVID-19 pandemic arrived in March 2020, the defendant allegedly refused to take any precautions to protect employees and customers from the virus, such as providing PPE, screening customers, or requiring social distancing. Because the plaintiff suffered from diabetes and lung disease, and because the defendant would not take safety precautions, the plaintiff's doctor wrote her a note stating she should not go to work. While she was off work, the plaintiff submitted a claim for unemployment benefits. After she returned to work on May 18, the plaintiff learned that the defendant was contesting her claim for
unemployment benefits. A hearing was held on July 15, at which the defendant stated the plaintiff’s claim was fraudulent. The plaintiff testified to the lack of PPE at the defendant’s facility. The plaintiff claims that two hours after the hearing ended, the defendant informed her that her employment was terminated for accumulating too many absences. The plaintiff sued the defendant, alleging that this reason is pretextual, and that she was actually terminated in retaliation for filing for unemployment benefits and for complaining about the lack of PPE.

_Amanda Nachman v. Trifecta Nutrition, Inc., et al._ (Sacramento County, California)
The plaintiff, a former community director for the defendants, alleges she was unlawfully terminated after she voiced her opinion about the defendants’ COVID-19 workplace regulations. On April 15, the plaintiff began working for the defendants. The plaintiff initially worked remotely due to the COVID-19 pandemic, but the plaintiff claims her colleagues were still working in the office. On May 5, the plaintiff claims that she was asked to go into the office, but she notified the defendants that she was not comfortable going into the office because stay at home orders were still in place. The plaintiff claims that despite the county’s COVID-19 guidelines, the defendants failed to protect their employees because they kept the office open, they did not require employees to socially distance or wear masks, and many employees had meals together and regularly gathered in large groups. On May 25, the day before she had to return to the office, the plaintiff claims she once again informed the defendants that she was concerned about working in the office because there was no office policy mandating social distancing and masks. The plaintiff claims the defendants responded to her concerns by stating, “[T]he only answer is herd immunity.” Over the next five months, the plaintiff claims she repeatedly notified the defendants about her concerns. On Oct. 15, the plaintiff was terminated. The plaintiff claims that prior to her termination, another employee was terminated because he was working remotely due to COVID-19. The plaintiff alleges that she was retaliated against and terminated after “repeatedly complaining about health and safety issues,” and “complaining about [the defendants] federal, state, and local regulation violations.” The plaintiff filed a five-count complaint alleging her termination violated OSHA, California Labor Code §1102.5(a), and public policy.

_Pellizzari v. Mesa Verde Partners, et al._ (Orange County, California)
The plaintiff, who is in her 50s, was a bartender for a golf club. She alleges that on March 16, she was told that the club was closing due to COVID-19, but that she would be called back to work when they reopened. The plaintiff claims that in May, another server and bartender in her 30s was working the snack bar window and the plaintiff informed the manager that she was also interested in working the window. However, she was never scheduled to work. She alleges that in June, a male bartender was called back to work and the plaintiff requested to be put on the schedule, but was told that only one person was working the bar. The plaintiff claims she later learned that they were training a woman in her 20s to be a bartender. She brings causes of action for discrimination on the basis of age, sex or gender; failure to take all steps to prevent discrimination, harassment, and retaliation; and wrongful discharge. Unrelated to COVID-19, she also claims that during her employment, she worked most of her shifts without meal or rest breaks. She brings causes of action for failure to pay wages, failure to provide meal and rest breaks,
failure to provide accurate pay records, and unfair business practices.

**Wourms v. Oreneva Construction Inc. (Multnomah County, Oregon)**
The plaintiff, a foreman carpenter, alleges that he complained to the defendant on March 17 and 22 that employees with symptoms of COVID-19 were working and not taking appropriate health and safety precautions, such as wearing masks and observing social distancing. On March 23, the plaintiff, who claimed that one of his household members was “high risk,” informed the defendant that he was taking a week off from work due to potential exposure to COVID-19. That day, he alleges that he asked human resources about receiving additional paid time off for COVID-19. On March 24, the plaintiff claims that the defendant laid him off, purportedly due to downsizing, yet a week later advertised for 5 to 10 open positions. Following his discharge, the plaintiff sued under state law for wrongful discharge and retaliation for inquiring about his right to take sick leave or protected medical leave.

**December 9, 2020**
**Archer v. Mokan Hospitality II, LLC et al. (District Court of Kansas)**
The plaintiff worked as a general manager for one of the defendants’ hotels. According to the plaintiff, her manager sent a text message on Sept. 20, 2020, that read, in part, “I’m proud of the work you’ve done in your first GM role and look forward to seeing what the coming days, weeks and months bring under your leadership. Thank you for leading our team!” The plaintiff claims that her manager sent similar texts on Sept. 24 (“[J]ust want to reiterate that I’m as confident as ever that you’re the right one to lead this team”) and Oct. 5 (“Good day today. You can do this and I’m excited to see you continue to grow.”). On Oct. 8, the plaintiff allegedly learned that she had COVID-19; the same day, she claims to have notified the defendants of her diagnosis and the doctor’s 14-day quarantine instruction. The defendants purportedly expected the plaintiff to work from home during quarantine or find a temporary replacement, and questioned why the plaintiff needed to quarantine for 14 days when other employees quarantined for 10 days. The plaintiff claims that after she tested negative for COVID-19 and returned to work the next day, Oct. 21, she was terminated because of supposed documented “issues with [] leadership and performance….” The plaintiff asserts that the defendants interfered with her right to a leave of absence (under the Families First Coronavirus Response Act or the Family Medical Leave Act), retaliated because she exercised a protected right (a Fair Labor Standards Act violation), and tortiously interfered with the plaintiff’s business relationship with the defendants.

**Early v. Orange Management Group, Inc., et al. (Orange County, California)**
The plaintiff alleges that he was exposed to a co-worker who had COVID-19. The plaintiff claims that he requested that he and his co-workers get tested for COVID-19 and remain quarantined pending their results. The plaintiff alleges that defendant approved of the testing and quarantine, but then terminated the plaintiff “for a false reason.” The plaintiff alleges that the defendant “believed he had instigated the employees to request Covid tests and quarantine,” and claims he was wrongfully terminated and retaliated against for requesting testing and quarantine after his purported exposure to an employee with COVID-19.

**King, et al. v. Menorah Park Foundation, et al. (Cuyahoga County, Ohio)**
The two plaintiffs were registered nurses at an assisted living facility. They claim that the defendants had a policy and practice of testing residents and patients for COVID-19 and submitting those samples to a clinic that provided results within 24 hours. However, they claim that test samples for staff were sent to outside labs and results took three to seven days. They allegation that on many occasions, they urged upper management to secure COVID-19 testing results for staff sooner than three to seven days. The plaintiffs also allege that the defendants had a “Point of Care” testing machine capable of giving results for COVID-19 tests within seconds, but that they were ordered not to use the machine to test any residents, patients, or staff, including symptomatic individuals, because it might reveal “too many” positive results. They allege that they were terminated on Oct. 29, and that the defendants published defamatory statements about them. For example, they allege that the president and CEO disseminated a statement to the entire staff claiming that the plaintiffs submitted false COVID-19 tests, and that they failed to follow protocols and procedures related to COVID-19. The plaintiffs allege that the same false statements were disseminated to residents and their family members, as well as the Cleveland Jewish News. They claim that because of the false statements, they were deprived of the ability to obtain job offers. They bring causes of action for defamation, interference with a contract, and wrongful termination.

Michael Lien v. Tric Tools, Inc. (Alameda County, California)
The plaintiff, who served as CFO and Operations Officer for the defendant, raises numerous issues, some related to the pandemic and many not. The plaintiff left on Feb. 27 for a South American cruise. On March 15, the plaintiff and his family could not disembark in Chile due to the pandemic and were required to sail for two more weeks to return home. The plaintiff, who reportedly worked remotely on the cruise, returned on March 30 and began his 14-day quarantine the next day. The plaintiff advised the defendant that he was ill with COVID-19, but he continued to perform remote work through April 15. At about the same time, the plaintiff was told to give a female employee access to all accounts, including payroll, and to include the female employee on the sales call list because calls were being missed (and with the suggestion that the female employee would be effective with male callers). The plaintiff disputed that calls were being missed, but half of his work was assigned to the female employee. The plaintiff claims that though he was cleared to return to work, his employer tried to illegally require him to provide negative COVID-19 test results for the plaintiff’s wife and daughter (who had not been ill and who had quarantined). After the plaintiff discussed his complaints with company officers, he received a texted termination notice. The defendant apparently claims that the plaintiff took unauthorized commissions. The plaintiff claims disability-based association discrimination; negligent supervision; unlawful retaliation; failure to maintain an environment free from harassment, discrimination and or retaliation; sex or gender discrimination; defamation; and wrongful termination, all in violation of California law. The plaintiff requests compensatory and punitive damages, attorney fees, emotional distress damages, interest, and equitable and other relief.

December 8, 2020
Dionne Bernadel v. Davita Inc. (Southern District of New York)
The plaintiff, a former facility administrator at a dialysis center (and...
registered nurse), claims that the defendant fired her because of complaints she made, and because she became sick with COVID-19 in March 2020 and took medical leave from March to May 2020. The plaintiff claims that throughout her time with the defendant since November 2018, she complained that the defendant did not provide enough resources to the facility. The plaintiff claims that upon her return from medical leave, she was subjected to increased and unwarranted scrutiny, write-ups, discipline, and harassment related to her medical leave and complaints regarding staffing shortages. In summer 2020, the facility had lost five licensed professionals (from a team of 15) within a few weeks. The plaintiff pressed the defendant to fill the positions but was told that there was no additional staff available. The plaintiff says she was reprimanded for going outside the normal hiring processes. The plaintiff’s supervisors gave her a “final written warning” for issues that had arisen during the plaintiff’s leave and over which she had no control, and as part of this “final written warning,” the plaintiff was admonished for “not appropriately staffing” the facility (the issue about which she had been complaining throughout 2020). Emphasizing the period of the pandemic, the plaintiff claims that staffing shortages led to violations of New York State and federal regulations governing the operations of dialysis centers such that the defendant provided improper quality of patient care to patients at the facility. The plaintiff brings claims under the FMLA and New York statutory law, requesting compensatory and liquidated damages, attorney fees, interest, and costs, and other relief.

Brown v. CWP Apollo Healthcare at Texas City dba The Resort at Texas City (Collin County, Texas)
The plaintiff, a food department employee, claims that several employees where she worked became infected with COVID-19. The plaintiff alleges that her two children that lived with her, one of whom also worked for the defendant, tested positive for COVID-19. As a result, the plaintiff alleges that she and her immediate family were “ordered to quarantine for 14 days by the Galveston County Health District, due to the risk for spreading the virus.” The plaintiff alleges that she informed her employer that she had been ordered to quarantine, but that her employer was “undeterred by the positive COVID-19 diagnosis and risk of infection and demanded that [the plaintiff] return to work, at the risk of potentially further spreading the virus to the sick and elderly residents and staff members.” The plaintiff alleges that when she “refused to break the quarantine order and return to work, for fear of spreading the virus to more people at The Resort, [her employer] wrongfully terminated her.” The plaintiff alleges disability discrimination, failure to engage in the required interactive process, and failure to accommodate under the Texas Commission on Human Rights Act.

December 7, 2020
Bromley, et al. v. Jersey Urology Group, P.A., et al. (Cape May County, New Jersey)
The plaintiffs, former nurses and technicians of a medical and surgical care facility, filed a complaint against their employer and supervisors for discrimination and retaliation under New Jersey state law. The plaintiffs allege that their employer furloughed them during the COVID-19 pandemic and later recalled them, but failed to provide appropriate PPE, failed to properly clean their facilities, and failed to comply with social distancing protocols for staff and patients in response to the pandemic. The plaintiffs allege that after one of the plaintiffs requested further
COVID-19 accommodations due to her asthma, her employer began to seek her replacement, assigned her to administrative duty, refused to restore her to her position despite medical clearance from her physician, and terminated her employment. The plaintiffs allege that another plaintiff’s job was posted by her employer after she took COVID-19 related childcare leave and that, upon her return to employment in a different role, she was instructed to lie to elderly patients that physicians were unavailable to see them personally, and to implement medically unnecessary treatments. The plaintiffs allege their employer terminated yet another plaintiff’s employment for taking COVID-19 related childcare leave. The plaintiffs allege that their employer terminated another plaintiff’s employment after she self-quarantined because her mother contracted COVID-19 and the plaintiff had to care for her. The plaintiffs allege that still another plaintiff’s employment was terminated when their employer refused to provide any PPE other than surgical masks, and she complained that masks alone would be insufficient to protect her elderly parents and child, and that she was being asked to lie to patients about their care. The plaintiffs allege violations of the New Jersey Conscientious Employee Protection Act, retaliation in violation of the NJLAD, wrongful discharge, and various individual claims for disparate treatment discrimination.

_Langston v. Second Harvest Food Bank of Metrolina, Inc._ (Western District of North Carolina)
In March, the plaintiff alleges she requested to work remotely because her minor children’s school had been closed due to COVID-19, and the defendant denied her request. On March 28, the plaintiff specifically requested paid leave under FFCRA to care for her minor children, which the defendant permitted. “Some time later,” the defendant required the plaintiff to return to work on an intermittent basis after discovering that the plaintiff has 50 percent custody of her children. Then, around early June, the defendant required the plaintiff to quarantine for 14 days after she had traveled out of state, although the plaintiff alleges she was not made aware of the defendant’s quarantine requirement for out-of-state travel ahead of time. The plaintiff claims she made a request to be paid for her quarantine time, but did not receive a response. The plaintiff was again required to quarantine after she informed the defendant that a member of her household was experiencing symptoms of COVID-19 in early July. The plaintiff returned to work on July 16, after all members of her household tested negative. The plaintiff was required to quarantine yet again on August 13 after another trip out of state, and was again denied the ability to work from home, although the plaintiff claims other employees were allowed to work remotely. On Sept. 28, the defendant held a meeting with the plaintiff wherein it accused her of “abusing” her FMLA leave and using poor judgment by traveling out of state. The plaintiff’s employment was terminated on Oct. 23, allegedly because her position was eliminated. The plaintiff sued the defendant for retaliation under FMLA and FFCRA, interference with her FFCRA rights, and wrongful termination in violation of public policy.

_Switzer v. Robert Wood Johnson University Hospital, et al._ (Somerset County, New Jersey)
The plaintiff was a staff nurse. On March 18, the governor declared a state of emergency due to COVID-19. The plaintiff alleges that she informed her supervisors that she was exposed to the coronavirus, got tested for COVID-19, and became increasingly ill. On March 23, the
defendant required the plaintiff to return to work, despite not having her test results. On March 25, the plaintiff requested leave under the FMLA, her test results came back positive, and she notified the defendant. On April 7, the plaintiff obtained a doctor’s note excusing her from work until April 14. On April 9, the defendant instructed the plaintiff to go to Employee Health Services for an exam. The nurse told her to report to work the next day. The plaintiff explained that returning to work would endanger both colleagues and patients. The defendant approved ongoing leave. The plaintiff returned to work on April 27. Two days later, the defendant met with the plaintiff to terminate her employment for allegedly “refusing to accept and care for a patient” in February 2020. However, after hearing the plaintiff’s explanation, the defendant stated that it would investigate further. The next day, the defendant terminated the plaintiff because of her “behavior.” The plaintiff claims that these actions amount to hostile work environment based on her disability, failure to accommodate, and retaliatory termination in violation of New Jersey’s law against discrimination; retaliatory termination in violation of New Jersey’s Conscientious Employee Protection; and wrongful termination in violation of New Jersey public policy.

Richard Heiden, M.D. v. New York City Health and Hospital Corp., et al. (Southern District of New York)
The plaintiff, a radiologist, alleges that the defendants unlawfully forced him to resign after he sought to work from home during the COVID-19 pandemic. The plaintiff claims that after “New York City was declared the global epicenter for the COVID-19 pandemic in early 2020,” he became increasingly worried about the danger of working on-site at the hospital because he suffered from ulcerative colitis, an autoimmune disorder. The plaintiff alleges that his autoimmune disorder placed him in the high-risk category of contracting COVID-19. On March 23, the plaintiff requested an accommodation to continue to perform the essential functions of his job remotely. The plaintiff claims that in his request he outlined that almost all of his job could be done from home. The plaintiff claims that in his request he offered to pay the defendants “whatever costs are necessary to facilitate my [the plaintiff’s] remote work set up.” The plaintiff claims that no one in the human resources department ever reached out regarding the accommodation request. On March 26, the plaintiff claims the defendants “responded to the accommodation request by forcing the plaintiff to resign.” The plaintiff claims that if he did not resign, the defendants would fire him “for cause” and report the plaintiff to the New York State Office of Professional Medical Conduct. The plaintiff claims that if he resigned immediately, the defendants would say nothing negative to prospective employers. “Having no choice,” on April 2, the plaintiff resigned. The plaintiff filed a six-count complaint alleging the defendants’ actions violated the ADA, the New York State Human Rights Law, and the New York City Human Rights law.

Miller v. Guardian Community Resource Management, Inc. (Middle District of Florida)
On July 1, the plaintiff began to feel ill on her way to work. However, despite her symptoms, the defendant’s CEO wanted the plaintiff to stay and work anyway. The plaintiff claims her symptoms progressed throughout the day, and that she offered to work remotely. The CEO allegedly responded that working remotely is a “privilege,” and that if the plaintiff did not feel well she needed to use PTO. The plaintiff left work, and scheduled a COVID-19 test for July 3. The next morning, July 2, one
Richard Stepnosky v. Silgan Holdings, Inc., et al. (Middlesex County, New Jersey)
The plaintiff, a management trainee and production supervisor, claims he was wrongfully terminated in violation of New Jersey’s Conscientious Employee Protection Act after he reported that COVID-19-positive employees were scheduled to return to work. Specifically, the plaintiff alleges that at one time, at least 20% of the employees at his facility were infected with COVID-19, and the employer’s facility was directed by the state to temporarily shut down to mitigate the spread of COVID-19. The plaintiff alleges that after the facility was permitted to reopen, he was instructed by the plant superintendent to contact employees on a list who tested negative for COVID-19 and to instruct them to report to work for their next scheduled shift. The plaintiff claims that when he contacted several of the employees, they informed him they had actually tested positive, and one of the employees had even died from COVID-19. The plaintiff claims that when he contacted the plant superintendent to report his findings, the superintendent “got in [his] face while yelling at, cursing at, harassing, intimidating, and threatening to fire [him] if he expressed frustration aloud during any future meeting.” The plaintiff claims that after he was “berated and threatened,” he contacted HR to report the inaccurate employee list and his supervisor’s hostile reaction. The plaintiff requested to take vacation the following week, and was terminated the day before he was scheduled to return to work. Although the plaintiff does not identify the purported reason(s) for his termination, he alleges he was terminated in retaliation for reporting the unsafe working conditions.

December 4, 2020
Brower v. A Hunts Mills Associates, LLC dba Holiday Inn of Clinton-Bridgewater (Morris County, New Jersey)
The plaintiff, former vice president of sales, sued his employer, a hotel, and his direct supervisor for wrongful termination in violation of the New Jersey Conscientious Employee Protection Act (CEPA). The plaintiff alleges that the defendants retaliated against him for objecting to the defendants’ practice of booking hotel and restaurant events that exceeded the capacity restrictions set by the governor’s executive orders in response to the COVID-19 pandemic. The plaintiff claims his direct supervisor “assertively advocated” for booking large group events at the
hotel to make money, but that the plaintiff objected to booking group events that would violate the 25% capacity restriction set by the executive orders. On several occasions, the plaintiff claims he told his supervisor the hotel could not book certain events because the group size exceeded what was permitted, but his supervisor told him “we need the money” and to book the events anyway. The plaintiff further asserts that the hotel chef tested positive for COVID-19, and when the plaintiff began notifying other employees who had been in contact with the chef so they could quarantine, his supervisor “yelled at him” and told him to stop “spreading fear and panic.” The plaintiff also alleges that his supervisor accused him of calling the police and reporting capacity restrictions, which the plaintiff denies doing. The plaintiff states that after the purported police incident, his supervisor informed him “things were not working out,” and that he was terminated for “not making money” and using COVID-19 restrictions as “excuses” for not bringing in business. The plaintiff asserts his termination was in retaliation for voicing objections to the hotel’s practice booking hotel and dining events in violation of capacity restrictions in violation of CEPA.

**Brewer v. DTC Metals, LLC** (Western District of Michigan)
The plaintiff, a materials handler, alleges that on November 7, healthcare providers diagnosed his fiancée with COVID-19. The plaintiff claims that his fiancée’s healthcare providers advised that anyone in close contact with her needed to self-quarantine. He alleges that because he was living with his fiancée, the two immediately self-quarantined as advised. The following Monday, November 9, the plaintiff informed his employer of the positive COVID-19 diagnosis in his household and his need for leave to care for his fiancée and to quarantine himself. Two days later, the plaintiff alleges that he received a text message informing him that his employment was terminated “because [his employer] did not believe [the plaintiff] about the COVID-19 infection in his household, or about his need to care for [his fiancée] and the advice for him … to self-quarantine.” The plaintiff claims that his employer interfered with his rights for leave under the FFCRA, and that he was terminated in retaliation for seeking leave under the statute.

**Restrepo v. Fette Ford, Inc., et al.** (Passaic County, New Jersey)
The plaintiff, a valet for a car dealership, alleges that he was wrongfully terminated in retaliation for his “need for medical leave to self-quarantine due to potential exposure to COVID-19” following a trip to the JFK International Airport. The plaintiff alleges that “pursuant to company protocols,” he asked “for leave to take two weeks off to travel to Spain . . . .” The plaintiff alleges that he was unable to depart to Spain due to the COVID-19 travel restrictions. The plaintiff alleges that he called the dealership to return to work the next day, but that the Executive Manager “did not want [the plaintiff] working at the dealership, because he did not want to ‘risk exposure to the dealership.’” The plaintiff alleges that the defendant “failed to engage in any interactive process to discuss what reasonable accommodations could be made in order to accommodate [the plaintiff] based upon his perceived disability of having and/or being exposed to COVID-19.” The plaintiff claims he was discriminated against in violation of New Jersey law for his perceived disability, that the defendants violated New Jersey law by failing to engage in the interactive process, failing to accommodate his perceived disability, and retaliated against him by terminating him due to his “need for medical leave due to his potential exposure to COVID-19.”
**December 3, 2020**


The plaintiff, a machine operator, alleges that on July 23 he reported to work, but then began to feel ill. The plaintiff alleges that he reported his condition to his supervisor, who asked the plaintiff to stay at work until the end of the day, which the plaintiff agreed to do. According to the plaintiff, that night his supervisor told him that he could not return to work until he was tested for COVID-19. The plaintiff claims that the next day, he was tested for COVID-19. While awaiting the results, the plaintiff claims he remained in contact with his supervisor and advised him that he was feeling better and offered to return to work. The plaintiff alleges that prior to receiving his results, his employment was terminated because of the plaintiff's “perceived disability.” The plaintiff alleges he was unlawfully discriminated against on the basis of his perceived disability under the New Jersey Law Against Discrimination.

**December 2, 2020**

_Edwards v. Cameron Manufacturing & Design, Inc._ (Western District of New York)

The plaintiff was hired by the defendant in 1994, and over the years, performed a variety of roles, including as a shop-hand, welder, and fabricator, and was eventually promoted to the position of process supervisor. He alleges that younger supervisors received more favorable treatment than older supervisors like himself. He claims that on March 20, he was furloughed, along with five other department supervisors, purportedly as a response to the COVID-19 pandemic. He claims that the company informed him that they had decided to bring back the three younger supervisors, but not the plaintiff and the two other older supervisors. The plaintiff claims that he brought his concerns to the company, and was told that the older supervisors were not brought back because the departments that they supervised did not have sufficient work to remain operational, but the plaintiff alleges that his department continued to function. He claims that on May 18, he was permanently laid off. He alleges that he was replaced with a younger employee. He brings causes of action for age discrimination and retaliation.

_Cory Meet v. Lancaster Mennonite School et al._ (Eastern District of Pennsylvania)

The plaintiff, an IT director employed with a school, claims discrimination under the ADA and wrongful discharge and retaliation under Pennsylvania’s Human Relations Act after he was denied his preferred accommodation to work remotely during the COVID-19 pandemic and was subsequently terminated. Specifically, the plaintiff alleges that in 2014 he began experiencing PTSD and anxiety after he discovered his girlfriend brutally murdered in her home. The plaintiff alleges that due to his PTSD and anxiety, he requested to work remotely, an accommodation which had been granted to similarly situated employees in response to the COVID-19 pandemic. The plaintiff claims he was denied his accommodation request and was discharged. The plaintiff claims that the “business reason, if any, for termination was pretext for discrimination,” although the plaintiff does not identify the purported reason(s) for his termination.

_Ross v. Woodland Trade Company, Inc._ (Pierce County, Washington)

The plaintiff worked as a manager for the defendant in its shipping department. He claims he was denied his preferred accommodation to work remotely during the COVID-19 pandemic and was subsequently terminated. The plaintiff alleges that he was denied his accommodation request and was discharged. The plaintiff claims that the “business reason, if any, for termination was pretext for discrimination,” although the plaintiff does not identify the purported reason(s) for his termination.
department. On March 17, the plaintiff claims she relayed employee concerns that the defendant was not implementing appropriate safety plans in response to COVID-19. She also allegedly reported concerns about an employee who lived with family members who had just returned from Germany (where they claimed COVID-19 was “prevalent”) and after having “been in various airports.” The plaintiff claims the defendant’s owner responded in a hostile manner and said the plaintiff “would not be the one to close the doors of his business” after 32 years of operations. On March 19, the plaintiff claims she was fired, in part for involving herself in matters outside her job description. The plaintiff claims the reasons given for her termination were pretextual, and following her discharge, she sued the defendant for wrongful discharge in violation of public policy to prevent the spread of COVID-19.

Skutnick v. Bill’s Shoprite of Daleville (Middle District of Pennsylvania)
The plaintiff, who suffers from asthma, worked as a clerk in the defendant’s café department. Around March 15, the plaintiff began experience symptoms suggesting he had a “bronchial infection” while he was at work. Due to these symptoms, the plaintiff’s supervisor instructed him to leave work and get tested for COVID-19. The plaintiff claims he had trouble obtaining a COVID-19 test because at the time he went to get tested, he was no longer experiencing symptoms. On April 17, the plaintiff informed the defendant that he was able to get a COVID-19 test and provided the results of his negative test to the human resources department. The human resources department informed the plaintiff he would also be required to submit a note from his doctor clearing him to return. During this conversation, the plaintiff claims he also requested to be moved to an overnight stocking position to limit his exposure to others, since he was at higher risk due to his asthma. The defendant allegedly failed to consider this request. On May 15, the plaintiff provided the doctor’s clearance requested by the defendant to enable him to return to work. However, shortly thereafter, the defendant called the plaintiff and terminated his employment, supposedly because “sales in the café department had decreased.” The plaintiff claims that other coworkers in the café were not terminated and that there were open positions for which he was qualified. The plaintiff sued the defendant claiming that its reason for terminating him was a pretext for his “actual or perceived” disability and/or retaliation for his requesting an accommodation. Unrelated to the COVID-19 allegations, the plaintiff also alleges workers’ compensation retaliation related to a workplace injury he sustained in December 2019.

December 1, 2020
Jerry Aquino and American Property Management Corporation et al. (Alameda County, California)
The plaintiff, a hotel manager, claims age discrimination in violation of the California’s Fair Employment and Housing Act stemming from his termination. Specifically, the plaintiff claims that during a COVID-19 shutdown, his employer used the shutdown as an opportunity to terminate older staff members, purportedly evidenced by management’s statement that certain workers, including the plaintiff, were “paid too much” and “too old.” The plaintiff alleges that at the time of his termination, he had been working for the company for 30 years and was 72 years old. Unrelated to his COVID-19 allegations, the plaintiff also claims labor law violations because his employer allegedly failed to properly classify his position and pay him overtime that he was owed. He further alleges that he routinely worked approximately two unpaid hours of overtime each day, and that he
was not provided opportunities to take meal and rest breaks due to his schedule and demands in the workplace, resulting in unpaid wages owed to him at the time of his termination.

Avina v. American Property Management Co., et al. (Alameda County, California)
The plaintiff worked as a staff member for the defendant, a hotel operator, for 30 years. According to the plaintiff, the defendant used the “Covid-19 lockdown” as an “opportunity to terminate older staff members due to their age and high wages.” (The complaint does not describe how stay-at-home or closure orders affected the defendant’s business.) The plaintiff, who is 68 years old, alleges that the defendant actually terminated him because he was “paid too much” and was “too old.” After his discharge, the plaintiff sued for age discrimination and related claims.

Brunetti v. Zufall Health Center, Inc. (Essex County, New Jersey)
The plaintiff, a dentist, brings an action against her employer for unlawful discharge in violation of the New Jersey Conscientious Employee Protection Act. The plaintiff alleges that around late March, the defendant placed her on furlough due to the reduction in the defendant’s offered services in light of the COVID-19 pandemic. She states that she raised safety concerns about returning to work, but that the defendant informed her it had implemented COVID-19 safety measures in its office. When the plaintiff returned to work on May 12, the defendant had allegedly not implemented any of the safety protocols it promised the plaintiff it had instituted. It did not have enough N95 masks, was not screening patients and staff before entering the building, and was having more than one provider onsite, contrary to its statement that only one provider would be working at any given time. The plaintiff alleges she emailed the Chief Dental Officer and the director of HR to notify them that the safety protocols were not in place, but that they responded that the plaintiff’s email was inaccurate, and that proper safety measures were in place. The plaintiff claims that shortly after this email, she was placed on a second furlough from which she was never recalled, though she alleges her colleagues were recalled during this time. On September 4, the defendant terminated the plaintiff’s employment; the complaint does not allege any reason given for her termination. The plaintiff claims that raising concerns about the lack of safety protocols was a determinative and/or motivating factor in her termination.

Gurleyen v. Imperfect Foods, Inc. (San Francisco County, California)
The plaintiff, the former director of production for a produce company, alleges he was wrongfully terminated in retaliation for raising concerns about the defendant’s handling of workplace safety in light of COVID-19. The plaintiff asserts he had a “sterling” employment record with the defendant, receiving multiple promotions and raises since 2017, but began to face backlash and retaliation from his supervisors after raising concerns about the lack of COVID-19 workplace safety procedures. Specifically, the plaintiff alleges he raised concerns about an employee who had been exposed to COVID-19 and was coming to work. He also claims he filed a safety complaint with OSHA and with the defendant’s COO for unsafe working conditions, including failure to socially distance warehouse workers. The plaintiff alleges that the defendant began retaliating against him for raising these concerns by, among other things, temporarily revoking his access to email, leaving him out of important management decisions, telling the employees he regularly supervised to no longer report to him, and making him work the overnight shift.
Furthermore, the plaintiff alleges that immediately after he filed the OSHA complaint, the defendant posted a job opening for his position. The plaintiff claims he met with an HR representative on June 15 to voice complaints about the purported retaliation he was experiencing. On June 18, the plaintiff received notice that he had been discharged “for a pattern of insubordination.” He alleges that he received no warnings or progressive discipline prior to his discharge, and to his knowledge, no other employee had been fired for insubordination in the past three years. The plaintiff alleges his discharge was in retaliation for voicing complaints about an unsafe workplace in violation of the California Labor Code, the California Family Rights Act, and public policy.

Odle v. LC3S, In., et al. (Sacramento County, California)
The plaintiff, a former restaurant manager, filed a complaint against her employer and supervisors for wrongful discharge, failure to engage in the interactive process, and multiple violations of California labor law. She alleges that her employer shut down three restaurants, including hers, during the COVID-19 pandemic and, when the restaurants were reopened, the plaintiff sought without success reasonable accommodations for her sinus condition that prevented her from wearing a face covering without seriously inhibiting her ability to breathe and causing her “coughing fits.” The plaintiff alleges that the defendants sent her home to work out her medical issues, and then required a physician’s note before she could return to work. The plaintiff alleges that her physician certified that she could only return to work without a face covering, and that her supervisor then offered to discuss with her other positions in the restaurant in which she could work without a face covering. The plaintiff alleges that she was then called to a meeting by her employer, at which time her employment was terminated. The plaintiff alleges that her employer failed to engage in the interactive process; that her employment was wrongfully terminated; and that her employer failed to pay her termination wages and vacation pay. Unrelated to her COVID-19 claims, the plaintiff alleges that in the course of her employment she was denied meal and rest breaks and reporting pay and overtime, and brings a PAGA class action for multiple violations of California labor law.

Rodriguez v. The ARC of Atlantic County (Atlantic County, New Jersey)
The plaintiff took a leave of absence beginning March 31 because her daughter’s daycare had closed due to COVID-19. On June 29, the plaintiff met with her supervisor and they agreed the plaintiff would return to work on July 6. However, on the night of July 5, the plaintiff went to the emergency room and was diagnosed with acute pancreatitis, which required her to undergo surgery on July 8. Additionally, the plaintiff tested positive for COVID-19 when the hospital tested her upon admission as part of its protocol. The plaintiff informed her supervisor of her diagnoses and also asked for human resources to reach out to her because she had questions about her health insurance. The plaintiff was released from the hospital on July 8, with orders to quarantine at her home. On July 14, the plaintiff again reached out to human resources with questions about her health insurance, and was told the next day to “go ahead and apply for New Jersey family leave.” Then, on July 20, the plaintiff received a voicemail from her supervisor stating that her employment had ended on June 29, though no one had previously informed the plaintiff. The plaintiff’s supervisor also allegedly stated that the plaintiff was “creating more of a problem than it was worth for bringing up her health insurance
benefits," that she would be more susceptible to reinfection if they brought her back to work, and that it was “not good all around.” The plaintiff sued the defendant, alleging disability discrimination under state law based on her termination and alleged failure to accommodate, interference and retaliation under the FMLA and the New Jersey family leave law, FFCRA interference and retaliation, and wrongful termination in violation of public policy.

Jessica L. Tressler v. Coil Special Company, et al. (Middle District of Pennsylvania)
The plaintiff, a project manager, claims violations under the FFCRA, the ADA, and Pennsylvania’s Human Rights Act after she was terminated for reporting that her son had been exposed to COVID-19. Specifically, the plaintiff alleges that after her son’s daycare closed due to COVID-19, she could not afford a babysitter and she was told by her supervisor to bring her son to work, despite the workplace not being a safe environment for children. The plaintiff claims that she instead took vacation days to care for her son, but when she exhausted those days and contacted her supervisor to inquire about her options, she was told “‘figure it out’…and that ‘[the plaintiff’s] childcare crisis was not [her supervisor’s] concern.’” The plaintiff alleges that she asked about her options under the FFCRA, but was told that her employer was exempt from the act and that “if [the plaintiff] has a problem with it, [she] can call her lawyer.” The plaintiff alleges that her employer eventually agreed to provide her two-thirds pay up to ten days to care for her son. Thereafter, the plaintiff claims that her mother agreed to care for her son. When her mother’s husband contracted COVID-19, the plaintiff asked to leave work to pick up her son. Her employer denied the request and told her that if she left, she would have to resign. Because there was no one else to care for her son, the plaintiff claims, she left work and thereafter was contacted by her supervisor stating that since she “chose to leave to get her son, she voluntarily quit.” The plaintiff claims she was discharged in retaliation for her employer’s perception that her son had COVID-19 and that her employer failed to provide her leave under the extended FMLA to care for her son.

Waddington v. Garden Greenhouse & Nursery (Atlantic County, New Jersey)
The plaintiff, a buyer for a greenhouse and nursery, alleges that in the second week of March, the owner of the greenhouse wanted to close the store due to the COVID-19 pandemic. The plaintiff claims, however, that two weeks later, the owner asked the plaintiff to return to work. The plaintiff alleges that at that time, she “expressed concerns about returning to work at the peak of a national COVID-19 virus pandemic state of emergency due to her pre-existing health conditions, which she suffered from, including asthma and a heart condition.” The plaintiff alleges she asked the owner what she could do to protect herself in the work environment, and that the owner told her that her concerns were “valid” and that “she needed to do what was in her best interest.” The plaintiff alleges that she spoke to the owner’s daughter, who informed the plaintiff that the greenhouse had masks and gloves for employees’ protection. The plaintiff suggested that the greenhouse also provide sanitary wipes and protective shields around the checkout stations, per CDC guidelines. The owner’s daughter allegedly disagreed, and told the plaintiff that “she did not believe COVID-19 was even a real thing.” The plaintiff claims that the owner’s son later spoke to the plaintiff, informing her that she “was not
November 30, 2020

Dennis v. Millsap Veterinary Clinic (Parker County, Texas)
The plaintiff was the office manager for the defendant. In March, while her boss was vacationing in Florida, the plaintiff instituted guidelines recommended by the CDC to protect employees and patients from the spread of COVID-19 at the defendant’s office. When the plaintiff’s boss returned March 22, the plaintiff alleges he reprimanded her for instituting the guidelines, and stated that staff would not be allowed to wear protective equipment because it would “scare clients.” The plaintiff further claims that her boss stated he would not be following quarantine guidelines. The plaintiff replied that as a three-time cancer survivor, she was more vulnerable to the virus. Her boss allegedly responded by saying that anyone who did not feel safe could stay home, but would not be eligible for unemployment benefits. On March 25, the plaintiff began to feel ill and was advised by her doctor to stay home from work. She forwarded a note from her doctor to her boss confirming her need to stay home. While she was out of work for her illness, the plaintiff called “code enforcement” on the defendant due to its lack of COVID-19 safety protocols, and “code enforcement” allegedly visited the defendant’s office on two occasions. When the plaintiff was ready to return to work after being out for three weeks, she was told she was being demoted to receptionist. The plaintiff responded that she did not feel comfortable working in that position due to the lack of safety protocols in place. The defendant allegedly failed to accommodate her, and terminated the plaintiff’s employment on April 23. The plaintiff sued the defendant under state law, alleging disability discrimination, retaliation for requesting an accommodation, and failure to accommodate a disability.

Watts v. Estes Express Lines, Inc. (Northern District of Illinois)
The plaintiff was a dockworker for a trucking company. He alleges that he learned that at least two of his coworkers had contracted COVID-19 and were not able to work as a result. He alleges that he requested permission not to report to work while his coworkers remained contagious, and that his supervisor denied his request and ordered him to return to work the following day. He claims that he returned to work on April 29, but requested to only work an eight-hour shift to minimize the risk of contracting COVID-19 from the first shift employees. He alleges that another employee then contracted COVID-19 and left the premises. He claims that the coworker returned, but had to leave the premises again when his condition relapsed. The plaintiff claims that he returned to work on April 30, but was told to leave the premises. He claims that he was terminated for refusing to return to work to avoid exposing himself to an area that had been occupied by coworkers who had contracted COVID-19. He also claims that the defendant failed to properly clean the area in which he worked, thereby intentionally exposing him to COVID-19.

November 25, 2020
**Brown v. John P. Hanson, DDS, Inc., et al.** (Placer County, California)
The plaintiff, a dental assistant and marketing coordinator, filed suit against her former employer for alleged wrongful termination and retaliation in violation of California public policy, as well as various wage and hour violations, including a PAGA claim. The plaintiff alleges that she was furloughed due to COVID-19 in March 2020. Despite being furloughed, the plaintiff alleges that the defendants called her into work to treat a patient with an emergency, at which time the plaintiff alleges that she complained about inadequate PPE to perform her work. The plaintiff later filed two OSHA complaints against the defendants, and she alleges that because of her complaints the defendants refused to reinstate the plaintiff, unlike other employees, and have instead terminated her employment and canceled her benefits. Based upon these allegations, the plaintiff claims that the defendants wrongfully terminated her and retaliated against her. Unrelated to her COVID-19 claims, the plaintiff also alleges various wage and hour violations on behalf of herself and a putative class of other “aggrieved employees,” under PAGA. The plaintiff claims that the defendants failed to properly pay overtime, failed to provide meal and rest breaks, failed to provide itemized wage statements, and failed to make timely payment of wages, all in violation of the California Labor Code.

**Susan Francis v. Northeast Ohio Neighborhood Health Services, Inc.** (Cuyahoga County, Ohio)
The plaintiff, a therapist, claims violations under Ohio law for wrongful discharge, disability discrimination, and whistleblower retaliation. Specifically, the plaintiff alleges that she reasonably believed that her employer’s failure to require the use of face masks at her office in response to the COVID-19 pandemic was a violation of state law, and was likely to cause an “imminent risk of physical harm” to those at the office. The plaintiff alleges that she complained about the violations to her supervisor both orally and in writing, with sufficient detail to describe the violations. The plaintiff further alleges that after she became hospitalized due to her diabetes, she was denied a reasonable accommodation to work remotely, and was then subsequently terminated, despite the governor’s order encouraging telework. The plaintiff claims that the “purported reason for terminating [her] was a mere pretext,” although she does not identify the purported reason(s) for her termination. The plaintiff alleges she was actually terminated because she complained about the unsafe working conditions.

**Koch v. S&G Dialysis dba Sankar Nephrology** (Western District of Texas)
The plaintiff is a 48-year-old senior-level dietitian in a dialysis clinic who suffers from a compromised immune system due to multiple sclerosis and a history of cancer. She alleges that she took a vacation with her daughter over spring break (March 7-14), and when she returned the COVID-19 pandemic “had rapidly evolved.” Thus, she claims she asked her direct supervisor what protocols and procedures were implemented while the plaintiff was on vacation, and asked if she could work remotely. The plaintiff alleges that her supervisor said “not right now,” and stated that she did not “know what was going on.” The plaintiff alleges that the next day, she emailed the COO and HR director, suggesting that certain employees be allowed to work remotely. The plaintiff alleges that the request was “first granted then quickly denied.” The plaintiff alleges that on March 23, she learned that she might have been exposed to COVID-19 during her vacation, and began to wonder if symptoms she
had believed were allergies and a kidney infection could rather be symptoms of [COVID-19]." The plaintiff alleges that she notified her supervisor of her symptoms, who “got angry” with the plaintiff and told her, “You can’t go home. Now you’ll just have to wait to see what [management] says.” The plaintiff alleges that her supervisor eventually told her to go get tested for COVID-19. The plaintiff claims that two days later, she received a phone call from the HR director, terminating the plaintiff’s employment because the company was “just trying to cover themselves.” The plaintiff alleges age discrimination under the ADEA and Texas state law, and disability discrimination and retaliation under the ADA.

November 24, 2020

Kevin Nugent v. Century 21 Construction Corporation (Hudson County, New Jersey)
The plaintiff, who was employed by the defendant construction company from July 16 to August 10, brings his claims under New Jersey’s Conscientious Employee Protection Act. The plaintiff alleges unlawful retaliatory discharge for objecting to and refusing to participate in conduct which violated state public policy. The plaintiff claims he noticed in late July that the employer did not provide hard hats, gloves, safety vests, or pandemic-related PPE to employees, which he reasonably believed to be in violation of New Jersey public policy and OSHA regulations. The plaintiff claims that he questioned the employer about CDC guidelines related to PPE, voiced concerns about the lack of preventive measures, and engaged in statutorily-protected conduct. The plaintiff also claims that a project manager tested positive for COVID-19, but that no safety protocols were thereafter implemented by the employer. In late July, the plaintiff contacted company leadership about his potential exposure to COVID-19. The plaintiff was tested on Aug. 1 and was told to self-quarantine pending test results, but the company terminated the plaintiff’s employment on Aug. 10 before any results were received. The plaintiff claims that the termination of his employment, which occurred when he had been employed for less than a month, was a retaliatory response to the plaintiff’s protected inquiries and complaints. The plaintiff demands compensatory damages, punitive damages, interests, costs, fees, and equitable relief.

Olesky v. Hunter Keystone Peterbilt (Monmouth County, New Jersey)
The plaintiff filed a claim against his former employer for allegedly terminating him in retaliation for protected activity in violation of New Jersey’s Conscientious Employee Protection Act. The plaintiff claims that on multiple occasions he “objected to, disclosed, and refused to participate in” the defendant’s pattern and practice of violating executive orders, laws, and regulations regarding COVID-19 safety precautions in the workplace. Specifically, the plaintiff alleges that he repeatedly voiced complaints to his direct supervisor and to the defendant’s ethics hotline about the defendant’s practice of “disregarding, not enforcing and outright discouraging” the use of masks, social distancing, and other measures to prevent the spread of COVID-19 in the workplace. The plaintiff alleges that he was terminated in retaliation for raising these concerns, and that prior to him voicing complaints, he had been promoted, received raises, and had never been warned, disciplined, or received a poor performance review.

Woodson v. Argus Corporation (Lucas County, Ohio)
The plaintiff was a 51-year-old “area lead” at the defendant’s facility. She had been placed with the defendant through a staffing agency. In March, the defendant shut down its operations due to the COVID-19 pandemic. Around May 27, the defendant called the staffing company and informed them that the plaintiff should return to work on June 2. When she was informed of this start date by the staffing company, the plaintiff stated that the previous weekend, she had been exposed to someone who had tested positive for the COVID-19 virus. The defendant then required the plaintiff to obtain a negative test before returning to work, which the plaintiff alleges she did. However, the plaintiff claims that when she presented the negative test, the defendant stated that her position was no longer available and terminated her assignment at its facility. The plaintiff alleges that a younger employee replaced her in the area lead position. The plaintiff sued the defendant alleging age discrimination under Ohio law; wrongful termination in violation of public policy, because she was terminated after quarantining due to exposure to someone with COVID-19; and retaliation under the FFCRA, because she was terminated after requesting to be quarantined after being exposed to the virus.

November 23, 2020
Larry Sheets v. PSSI Global Services LLC, et al. (San Diego County, California)
The plaintiff, a 57-year-old satellite uplink engineer, claims wrongful termination based on age, in violation of state law, public policy, and wage laws. The plaintiff’s pay was reduced in March due to the pandemic, and in June the plaintiff was placed on temporary lay-off status. The plaintiff alleges that the employer laid off most of its older satellite uplink engineers (at least eight workers over the ages of 60 and 70). In early September, the employer advised the plaintiff that the layoff was permanent, after which the plaintiff noticed a younger worker’s social media post about being recalled to work. The plaintiff asserts that he could perform the work performed by the younger employee, and alleges that the employer’s stated reason for his termination (lack of work) was merely a pretext for its true intention, which was to use the COVID-19 pandemic as an opportunity to eliminate older workers and replace them with younger workers. Unrelated to his COVID-19 claims, the plaintiff also claims he was not paid all wages owed (including minimum and overtime wages), was not reimbursed for business-related expenses, and was not provided accurate itemized wage statements. The plaintiff identifies as a non-exempt worker and claims that he was paid a guaranteed salary on the basis of a 50-hour workweek. He had assigned regular hourly and overtime rates and claims that he regularly worked more than 10-12 hours per day, but was not paid for all hours worked or state-mandated daily overtime and double time. The plaintiff alleges he was only compensated at half his regular rate of pay for air travel, bringing his hourly rate below California minimum wage. He also asserts that he was told to clock out prematurely while on assignment, and to not include all travel time.

Dennis Hendricks v. QM Technologies, Inc. and Ilan Shemtov (Bergen County, New Jersey)
The plaintiff claims that the defendants unlawfully terminated his employment after he began exhibiting COVID-19 symptoms. On Oct. 7, one of the plaintiff’s coworkers left work and told the plaintiff that he may have contracted COVID-19 and was going to get tested. The plaintiff
claims that his coworker returned to work the next day, but told the plaintiff that he never got tested. The plaintiff worked with this coworker through Oct. 13, during which time the coworker was visibly ill and complained of being sick. On Oct. 13, the plaintiff claims he began to feel ill, by the end of the day had a sore throat, and on Oct. 14 he felt worse. That day, the plaintiff told his supervisor that he believed he had COVID-19 and was going to take a sick day. The plaintiff alleges that his supervisor told him that he would not be paid for the day because the supervisor did not believe that the plaintiff was sick. The plaintiff claims that when he told his supervisor that he would get a COVID-19 test and then return to work, his supervisor changed his position and told the plaintiff not to come back until his test came back negative. The plaintiff alleges that his supervisor told him that he was not legally entitled to sick days, refused to give the plaintiff paid sick time, and terminated him. The plaintiff alleges that on Oct. 14, his supervisor gave him a termination letter claiming the plaintiff was terminated for “unethical behavior, customers complains (sic), and lack of respect.” The plaintiff subsequently tested positive for COVID-19. The plaintiff filed a two-count complaint alleging his termination was unlawful and violated the New Jersey Earned Sick Leave Law and the Emergency Paid Sick Leave Act.

_Baszak v. Givaudan Fragrances Corp., et al._ (Morris County, New Jersey)
The plaintiff was a shipping coordinator for the defendants, and alleges that she has Type 1 diabetes with comorbid cardiopulmonary conditions. She claims that in March, she and other employees began to work remotely full-time as a result of the COVID-19 pandemic. She claims that in July, the company began allowing employees to return to work in person. The plaintiff alleges that on July 30 she submitted a doctor’s note stating that, because she is at high risk of developing complications from COVID-19 due to her age and comorbid cardiopulmonary conditions, she should work from home until the pandemic resolves. The plaintiff alleges that this was a reasonable request for accommodation, as she had been performing her job satisfactorily while working remotely for several months. She alleges that on Aug. 12, the company sent her a letter refusing her request to continue working from home, and claiming that working in person was an essential function of her job. She claims that the company set forth examples of job functions that were most efficiently accomplished at the worksite, such as document management, and she responded that these examples were incorrect. The plaintiff claims that she and the company exchanged a few rounds of letters in which the company denied her requests to work remotely. Ultimately, she alleges that the company placed her on an unpaid leave of absence, despite her protests and desire to work remotely. She brings causes of action for disability discrimination and failure to accommodate.

_Monday, November 20, 2020_

_Thomas Hayes v. I.T.E.C. Inc., et al._ (Yakima County, Washington)
The plaintiff, a welder fabricator, alleges the defendants unlawfully terminated the plaintiff because his disability placed him in the high-risk category for contracting COVID-19. The plaintiff suffers from various unspecified medical conditions and alleges he is considered disabled as defined in the Washington Law Against Discrimination. As a result of his medical conditions, the plaintiff was required to obtain medical treatment from his physicians at least twice a year. In February, the state of Washington announced a public policy for employers to provide accommodations and refrain from retaliating against employees that were
at high risk of illness or death for COVID-19. The plaintiff claims that on April 9, the plaintiff was temporarily laid off until May 4, purportedly because the plaintiff was at high risk of contracting COVID-19. On May 1, the plaintiff spoke with the defendants about returning to work on May 4, and the plaintiff claims the defendant told him there was not enough work. The plaintiff claims that while he was on leave, the defendants hired a younger and non-disabled employee to replace the plaintiff. On May 22, the defendants “terminated [the plaintiff] for taking time off.” The plaintiff claims the defendants gave more favorable treatment to the new employee who did not have a disability and did not take time off from work. The plaintiff filed a three-count complaint alleging his termination unlawfully violated the FLA, the Washington State Law Against Discrimination, and public policy.

Holloway v. YRNC Operating, LLC dba Yorktown Rehabilitation & Nursing Center, et al. (Southern District of New York)
The plaintiff, a certified occupational therapist at a nursing center, alleges that on March 27 he informed his supervisor that he was not feeling well, but “under the pressure to continue to work,” he went to work the next day. The plaintiff alleges that soon after he arrived at work, he had a 100.6 degree fever, sore throat, chills and a cough. The plaintiff alleges that two days later, he tested positive for COVID-19 and immediately notified his supervisor, who told him to isolate at home for seven days or until he was fever-free for three days. On March 30, the plaintiff alleges that his supervisor brought a thermometer and temperature log to the plaintiff’s home with specific instructions on when and how to take his temperature. The plaintiff claims that the next day, he spoke with the HR director about being paid for working from home or paid leave, but the HR director “did not know anything about such COVID-19 leave laws.” The plaintiff claims that the following day, at his supervisor’s request, he reported to her that he had a sore throat, cough, and a temperature of 98.6 with the use of fever-reducing medication. Despite this, the plaintiff alleges, his supervisor “suggested that he should return to work [in three days].” The plaintiff alleges that shortly after speaking with his supervisor, he received a phone call from the HR director and was told that “his employment was being terminated, effective immediately” for “willful misconduct” violating various COVID-19 related protocols, which the plaintiff alleges were never provided to him. The plaintiff claims interference and retaliation under the FFCRA, disability discrimination and failure to accommodate a disability under the New York State Human Rights Law, and retaliation in violation of the New York State Labor Law.

Derrick Robinson v. Edward Health Ventures dba Linden Oaks Behavioral Health Hospital (Dupage County, Illinois)
The plaintiff, a behavioral health associate, claims his employer issued him a false and discriminatory disciplinary write-up for requesting a reasonable accommodation to wear a more protective N95 mask to protect himself from COVID-19, rather than the hospital-issued surgical mask, in violation of the ADA and Illinois’ Human Rights Act. The plaintiff alleges that he suffers from diabetes and a herniated disc in his back, which he claims put him in a high risk category for exposure to COVID-19. The plaintiff further claims that after he was disciplined for wearing his own N95 mask, his employer failed to engage in the interactive process to accommodate his request, despite allowing non-disabled nurses to wear a hospital-provided face shield without being subject to discipline. The plaintiff further alleges that after his employer
disciplined him for wearing his own N95 mask, his hours were cut, despite other non-disabled employees retaining the same hours. The plaintiff alleges that as a result of his employer’s actions, he suffered severe emotional distress, pain and suffering, lost wages from his reduced hours, and damage to his professional and personal reputation.

Walker v. Wagner Shultz Dental, LLC, et al. (Monmouth County, New Jersey)
The plaintiff was a dental hygienist for the defendants. She alleges that on June 1, she asked the owner of the dental practice about the hygiene practices that were going to be used in light of the COVID-19 pandemic. She claims that the owner informed her that the typical practices were going to continue being used, including using aerosol-producing instruments. The plaintiff claims that she reminded the owner that the CDC recommended against using aerosol-producing instruments without a high-volume evacuation system. The plaintiff claims that she conducted her morning appointments after this conversation, and around mid-afternoon the owner asked her whether she was comfortable being in the office. The plaintiff allegedly informed the owner that she was not comfortable using aerosol producing instruments without a high-volume evacuation system. The plaintiff claims that the owner responded that not using such instruments was only a recommendation, and said, “You can’t report me for that.” The plaintiff claims that on June 2, the owner asked her whether she was uncomfortable doing polishing on patients, and the plaintiff responded that she was uncomfortable using aerosol-producing instruments. She alleges that one hour later, the owner advised her that her refusal to perform all of her duties meant that she was quitting. She alleges that she informed the owner that she was not quitting, and was performing all of the duties that she was allowed to perform. She claims that the owner responded that she was not doing everything that was allowed, and that she was therefore terminated. The plaintiff alleges that her complaints concerning the use of aerosol-producing instruments were a motivating factor in her termination. She brings causes of action for wrongful termination in violation of New Jersey’s Conscientious Employee Protection Act.

Otero-Ward v. Empres Healthcare Management, LLC (King County, Washington)
On Oct. 6, the plaintiff reported to work and submitted her daily COVID-19 verification, including a temperature check, which was required for her to enter work. Around the middle of the day, the defendant’s vice president approached the plaintiff and asked how she was feeling, and the plaintiff responded “not great.” The plaintiff alleges that the vice president immediately sent the plaintiff home, and told her she should not have lied on her verification paperwork. The plaintiff responded that she did not lie, and that she was not feeling great because she had just received her weekly injection for Type 2 diabetes management, not because of anything COVID-19 related. The next day, the plaintiff claims she received a phone call from the defendant’s executive director, notifying her that she was being terminated without providing a specific reason for termination. The plaintiff sued the defendant under the Washington Law Against Discrimination for terminating her employment allegedly due to her disability.

November 19, 2020
Devorah Donnell, M.D. v. Prohealth Physicians, Inc. (District of
The plaintiff, a general physician, claims her employer interfered with her rights to FMLA leave and breached her employment contract when it terminated her without notice. The plaintiff alleges that she began experiencing COVID-19 symptoms shortly after her medical assistant tested positive for COVID-19. She claims that her assistant tested positive in part because the hospital failed to provide the medical staff sufficient PPE or to enact policies to protect against the spread of COVID-19. The plaintiff alleges that she began to suffer from long-term effects of COVID-19, including progressive respiratory symptoms, and therefore needed time off work. The plaintiff alleges that, despite the seriousness of her condition, her employer asked her about her return to work almost daily, and never notified her of her rights under the FMLA. The plaintiff claims that she was terminated without notice, days before the renewal of her contract, purportedly in violation of her contract. The plaintiff alleges that her employer stated that she violated company policy by accessing “her own electronic medical record,” which she did to determine whether forms related to her absence were completed, and she alleges she was aware of other physicians who also accessed their own medical records but were not terminated. The plaintiff claims that her termination interfered with her rights under the FMLA and was breach of her employment contract.

Hare v. Tag & Associates, LP, et al. (Kern County, California)
The plaintiff, a 69-year-old insurance coordinator with hypertension and high blood pressure, alleges that the owner of the dental practice where she worked called an office meeting to discuss the COVID-19 pandemic. The plaintiff claims that during that meeting, the owner stated that he had “concerns about [the plaintiff] because of her age, and a few others because they have medically compromised conditions.” The plaintiff claims that the next day, the owner called the plaintiff into his office, and “told her that he is laying her off because of his concerns about [the plaintiff’s] blood pressure” and “instructed [the plaintiff] to file a claim for unemployment benefits due to COVID-19.” The plaintiff alleges that approximately one month later, she received a letter stating that her employment was permanently terminated “due to changes in the office.” The plaintiff claims that a couple weeks later, during her scheduled dental appointment at her former employer’s office, she noticed that all of the employees other than her and another employee were back to work. The plaintiff alleges, among other things, age discrimination, disability discrimination, failure to prevent discrimination, failure to engage in the interactive process, and termination in violation of public policy.

Jacobson v. Turf Pros Solution LLC, (El Paso County, Colorado)
The plaintiff was a receptionist for the defendant. She received a kidney transplant in 2017, and as a result takes anti-rejection medication that has the effect of suppressing her immune system, thereby placing her at higher risk for the COVID-19 virus. In March, the plaintiff notified the defendant’s owner that her doctor might order her to quarantine due to her higher risk for COVID-19. The defendant’s owner replied that would not be a problem and the defendant would work with her. On March 19, the plaintiff’s doctor ordered her to quarantine, and on Monday, March 23, the plaintiff began working from her home with the assistance of the defendant’s office manager, who forwarded tasks to her. The plaintiff alleges that when the defendant’s owner found out that the office manager was forwarding tasks for the plaintiff to complete remotely, she
ordered the office manager to stop doing this, and also ordered other employees not to send tasks to the plaintiff. The plaintiff claims that by the end of the day on March 24, she had been cut off from access to all of the defendant’s remote applications, thereby terminating her employment. The plaintiff sued the defendant under the Colorado Anti-Discrimination Act for failing to accommodate her disability by denying her the ability to work remotely and instead terminating her employment. The plaintiff also alleges that her termination violated public policy, as the governor of Colorado had issued an executive order, effective March 26, requiring employees to work remotely where possible.

*Jones v. CareandWear II Inc., et al.* (New York County, New York)
The plaintiff was a co-founder, COO and board member of a company that produces clothing for patients receiving treatment for illnesses. The plaintiff brings a wrongful termination claim, alleging she was terminated for raising concerns about the company allegedly “take[ing] advantage of the COVID-19 global health crisis” by selling personal protective equipment (PPE) at inflated prices and without securing regulatory approval or adhering to local, state, and national laws relating to sale of medical equipment. The plaintiff alleges that she asked questions about the company’s plan to comply with laws and regulations relating to PPE and requested documents and sales contracts “to confirm that the company was complying with laws and regulations relating to price gouging.” The plaintiff was terminated shortly after a meeting where she allegedly raised concerns about the company’s PPE business and pricing strategy. The CEO allegedly told the plaintiff she was terminated because her requests for financial transparency and legal compliance “were not acceptable and not a good use of his time.” The plaintiff alleges that her raising these concerns and her refusal to accept or participate in the non-compliance was a motivating factor in her subsequent discharge. The plaintiff also brings a derivative claim on behalf of the company’s shareholders against the CEO, alleging that the CEO breached his fiduciary duty owed to the company by using company funds to give excessive commissions to his friends and acquaintances in connection with their allegedly obtaining costumers for the sale of PPE and obtaining a loan at a “usurious” interest rate of 51 percent to fund the bulk purchase of PPE for resale. Unrelated to her COVID-19 claims, the plaintiff also brings claims regarding alleged gender harassment, hostile work environment, and unjust enrichment regarding unpaid services she provided to the company.

**November 17, 2020**
*Geronimo v. Pottsville Ford* (Middle District of Pennsylvania)
The plaintiff, a car salesperson, filed suit against her former employer for alleged wrongful termination in violation of the ADA and Title VII. The plaintiff alleges that upon being hired, she advised the defendant that she had asthma and dyslexia. Not long into her tenure, the plaintiff suffered a severe asthma attack, for which she was required to go to the hospital and go on medication for a month. On her next day of work, the plaintiff alleged her supervisor advised her that if she did not meet her sales quota over the next month, she would be terminated. The plaintiff did not meet her quota, and although she was not terminated, she alleges that she was again warned that she would be if she did not meet her quota. The plaintiff claims that as a result of her dyslexia, it takes her longer to perform her duties, which, according to the plaintiff, is the reason why she did not meet her sales quota. In March 2020, the car dealership where
the plaintiff worked temporarily closed due to the COVID-19 pandemic. The plaintiff claims that her supervisor told her that he would inform her when they would open again and when she should come back to work. The plaintiff alleges that several weeks later she found out that she had been terminated by the defendant. The plaintiff alleges that other employees with less seniority and with fewer sales were called back to work. Based upon these allegations, the plaintiff claims that the defendant wrongfully terminated her based upon her disabilities, gender, and nation origin (Dominican), in violation of the ADA and Title VII.

*Jason Haddon v. Jesse Stuts, Inc.* (Northern District of Alabama)
The plaintiff claims his employment was unlawfully terminated in violation of the FLSA and the EPSLA after he took one day off to take care of his children because their childcare provider (his wife) was unavailable due to COVID-19. The plaintiff’s wife tested positive for COVID-19, which the plaintiff immediately disclosed to his employer. From July 17-30 she was ill and quarantined, unable to care for their children. The plaintiff isolated with his children in a camper the weekend of July 17-19. He then took off work on July 20 to care for his wife and children and received two thirds of his pay, per the EPSLA. The defendant reportedly told the plaintiff he would not be paid unless he returned to work on July 21, which he did. When the plaintiff returned to work on July 21, he disclosed that while caring for his wife and children, he had been exposed to his wife, who had tested positive for COVID-19. The plaintiff was sent home after working four hours of his shift. The defendant terminated plaintiff’s employment on July 23. The plaintiff claims that his employment was unlawfully terminated and that his employer denied him two thirds of his pay for 70 hours of work between July 21 and July 30, the period he needed to take care of his children due to his wife’s quarantine.

*King v. Granite Construction Inc., et al.* (Santa Barbara County, California)
The plaintiff, a former quality control technician for a construction company, filed a complaint against his employer and human resources manager for disability discrimination and retaliation, and wrongful discharge. The plaintiff alleges that due to his girlfriend’s exposure to someone with COVID-19, his human resources manager ordered him to quarantine, contacted his physician without his consent to verify his testing for COVID-19, and wrongfully regarded the plaintiff as disabled due to the “loathsome disease” of COVID-19 or its symptoms, neither of which he had. The plaintiff alleges that his human resources manager demanded that the plaintiff provide his employer with a doctor’s note to keep his job, and that his employment was both suspended and then terminated for protesting that he did not have COVID-19 and opposing his employer’s request. The plaintiff claims disability discrimination, retaliation for opposing discrimination and requesting accommodation, retaliation for exercising rights under the California Family Rights Act, and wrongful termination. The plaintiff also claims defamation by both his employer and his human resources manager for accusing the plaintiff of dishonesty and of having COVID-19. The plaintiff seeks lost earnings, punitive damages, reinstatement, attorneys’ fees and costs.

**November 15, 2020**
*O’Mara v. The City Of East Orange, et al.* (Essex County, New Jersey)
The plaintiff, an employee of the City of East Orange Fire Department, filed a complaint against his employer and supervisor for disability discrimination and retaliation in violation of state anti-discrimination laws.
The plaintiff alleges that he suffers chronic pulmonary and respiratory conditions, and that he expressed to his supervisors concern about his physical safety in the workplace due to co-workers failing to wear masks and contracting COVID-19. The plaintiff alleges that he was placed on paid medical leave and then summarily suspended without hearing on the false grounds of resignation, chronic and excessive absenteeism and neglect of duty. The plaintiff alleges that defendants failed to engage in an interactive process with him about his disability and ignored his submission of multiple communications from his physician regarding his susceptibility to contracting COVID-19. The plaintiff alleges violations of the New Jersey Civil Rights Act, New Jersey Law Against Discrimination, and the Conscientious Employee Protection Act. The plaintiff seeks reinstatement and/or front pay, compensatory damages, punitive damages, attorneys’ fees, costs and interest.

November 13, 2020
Burney v. Cintas Corporation, (Broward County, Florida)
The plaintiff is a 61-year old African-American man who worked for the defendant as a service supervisor. On April 2, 2020, the plaintiff was laid off, allegedly due to the COVID-19 pandemic. The plaintiff alleges he was the only of four supervisors who was laid off, and that the other supervisors were all "significantly younger and non-African American."
The plaintiff sued the defendant for age and race discrimination under the Florida Civil Rights Act.

Carty v. United Window & Door Manufacturing, Inc., (Union County, New Jersey)
The plaintiff worked as a customer service representative for the defendant. In March 2020, the office staff of the defendant, including the plaintiff, began working remotely due to the COVID-19 pandemic. In June, the defendant’s HR department told the office staff that they should all return to working at the office. However, the plaintiff's 13-year-old daughter’s school was closed to in-person learning through June 23, and the plaintiff did not have alternate child care arrangements for her daughter. The defendant granted the plaintiff extended leave through June 23 to care for her daughter. During this time, the plaintiff searched for childcare arrangements for her daughter after June 23, when the school year ended, but due to the pandemic, she had difficulty finding care. The defendant, however, told the plaintiff that working remotely was no longer an option after June 23, and that the plaintiff should return to working in the office. Around the second week of July, the plaintiff informed the defendant that a family member from Puerto Rico had agreed to come to New Jersey to care for the plaintiff’s child, but that she needed until the first week of August to get there. The defendant allegedly told the plaintiff she needed to find a “quicker option” and return to working in the office. Despite continually providing documentation proving her difficulties in finding childcare, on July 17 the plaintiff received an email from the defendant informing her she was being terminated for “job abandonment,” claiming that she had not updated the defendant as to childcare arrangements. The plaintiff sued the defendant alleging that the defendant denied her leave under the EFMLEA and New Jersey state law, and retaliated against her for requesting leave.

Kugel v. Queens Nassau Nursing Home Inc., dba Queens Nassau Rehabilitation and Nursing Center, et al. (Eastern District of New York)
The plaintiff, the director of neuropsychology, alleges that on March 9, she
advised her supervisors that she “had concerns about her exposure to COVID-19” at the workplace because she “suffered from an underlying medical condition making her immune-compromised and thus placing her at an increased lethal risk should she contract COVID-19.” The plaintiff alleges that she requested to have “interactive discussions regarding a reasonable accommodation of working remotely from home, given her own health issues.” The plaintiff’s supervisor allegedly responded by stating that the plaintiff would need to provide a doctor’s note, and that the facility “does not normally let the staff work from home.” The plaintiff alleges that two days later, she forwarded her supervisors a doctor’s note indicating that the plaintiff suffers from idiopathic thrombocytopenic purpura, which suppresses the immune system and makes the plaintiff at higher risk for contracting COVID-19. The plaintiff claims that the next day, she received a letter from her supervisor refusing to accommodate her request to work remotely. The plaintiff alleges that her supervisors denied her several repeated requests, stating that they did “not believe that [the plaintiff] can perform [her] work responsibilities from home,” and suggested that the plaintiff “made a decision to not work due to her health issues.” The plaintiff alleges that she was taken off the payroll and terminated. She alleges, among other things, disability discrimination, failure to engage in the interactive process, failure to accommodate, and retaliation, in violation of the ADA and state law.

*Maxwell v. Dam Investments LLC* (Miller River County, Arkansas)
The plaintiff, an unskilled laborer for a lawn care business, filed a single-count complaint claiming wrongful termination after he refused to violate restrictions in the county government’s stay-at-home order during the COVID-19 pandemic. According to the plaintiff, although the defendant was not an essential business, it continued to operate its lawn care business in violation of the stay-at-home order. In addition, according to the plaintiff, the defendant required its employees to ignore social distancing guidelines by requiring its employees to ride together in company vehicles. On March 27, 2020, the plaintiff asked the defendant to observe certain precautions to address the pandemic, including allowing employees to travel separately to jobsites, keeping six feet apart at all times, and wearing facemasks. That same day, the defendant labeled the plaintiff a malcontent, accused him of trying to scare the defendant’s other employees, and terminated his employment. The plaintiff alleges that he was actually fired for refusing to violate the requirements of the stay-at-home order, including its social distancing requirements.

*Ralph Mojica v. LP Landscape Construction Inc., et al.* (Orange County, California)
The plaintiff, a landscaper, alleges that the defendants wrongfully discharged him after he contracted COVID-19. On or around July 9, the plaintiff alleges he began to feel sick at work and immediately notified his supervisor. The plaintiff claims the supervisor instructed the plaintiff to “keep a safe distance from the other workers.” On or about July 10, the plaintiff claims he continued to feel sick and notified his supervisor via text message. The plaintiff claims that after not hearing back from his supervisor, he contacted the president of the company, who instructed the plaintiff to stay home. On July 13, the plaintiff tested positive for COVID-19, and on July 14, the plaintiff sent the president a text message notifying him of the positive test. The defendants instructed the plaintiff to call the human resources representative and inform her of his diagnosis.
The plaintiff claims he spoke to and emailed the human resources representative about his COVID-19 diagnosis. On July 26, the plaintiff sent the defendants a text message notifying them that his doctor had cleared him to return to work. The plaintiff’s doctor released him back to work on July 27. On July 27, the plaintiff’s supervisor notified him via text message to bring all of his medical documents to the office upon returning to work on July 28. On July 28, the plaintiff’s employment was terminated. The plaintiff filed a four-count complaint alleging that the defendants discriminated against him based on his positive COVID-19 diagnosis and that his termination during the COVID-19 pandemic violated his Fair Employment and Housing Act protections.

**November 12, 2020**

*Bigam v. Nemacolin Woodlands Resort* (Western District of Pennsylvania)
The plaintiff, who is 55 years old, was a server at a restaurant owned by the defendant. She alleges that on April 3, she and all of the staff at the restaurant were terminated as a result of the COVID-19 pandemic. She claims that at the time, the head of the food and beverage department told her not to worry, because once the restaurant was permitted to reopen, she would be able to reapply for her position and resume her usual work. She claims that despite this “vow,” she was not rehired. She alleges that the only employees who were brought back to work after the stay-at-home order was lifted were those under the age of 35, and that several servers who were rehired have less experience than her. She brings causes of action for age discrimination under the ADEA and the Pennsylvania Human Relations Act.

**November 11, 2020**

*Ghormley v. Pet Specialists, Inc.*, (Monterey County, California)
The plaintiff, an internist for the defendant, tested positive for COVID-19 on March 24. Thereafter, the plaintiff was ordered to quarantine. However, her symptoms soon worsened and the plaintiff was admitted to the hospital for five days. After her hospital stay, the plaintiff continued to experience worsening symptoms, including memory and cognitive issues that required the plaintiff to consult with a neurologist in late April. The plaintiff alleges she kept the defendant apprised of these continuing issues. On May 4, while the plaintiff was still away from work due to her symptoms, the defendant’s employees received an email informing them that the defendant was being acquired by another entity. However, the employees were allegedly assured that all employees would be retaining their positions. The plaintiff subsequently submitted “onboarding” documentation with the new parent company and informed its chief medical officer on May 16 that she was hoping to get approval from her neurologist to return to work on May 25. On May 20, the plaintiff updated the defendant and the new parent company, informing them that she had been released to work part-time the week of May 25 with some accommodations. On May 28, the chief medical officer of the new parent company informed the plaintiff of his “dissatisfaction” with the fact that she could only work part-time and could not work weekends, and consequently they would not be “bringing her over.” The plaintiff sued the defendant under California state law for allegedly failing to hire her or accommodate her due to a disability.

**November 10, 2020**

*Camacho v. Performance Labs Inc., et al.* (District of New Jersey)
The plaintiff, who had been employed by the defendants for over 15
years, filed a two-count complaint claiming that the defendants violated the FFCRA and the New Jersey Prohibited COVID-19 Related Employment Discrimination Emergency Act. According to the plaintiff, he began feeling ill at work on April 10. After work, the plaintiff noticed that he had a high fever. The plaintiff went to the hospital, where he tested positive for COVID-19 and was instructed to quarantine for at least 14 days. The plaintiff informed the defendants that he had tested positive for COVID-19. After 14 days, in response to a call from the defendants, the plaintiff explained that he still felt very weak and needed a few more days’ rest before returning to work. Two days after that phone call, the plaintiff was terminated. According to the plaintiff, the defendants only paid him for one week of sick leave instead of two, in violation of the FFCRA. The plaintiff further alleges that the defendants terminated his employment because he contracted COVID-19, in violation of the New Jersey Prohibited COVID-19 Related Employment Discrimination Emergency Act.

**Stephan Green v. Cal-Aurum Industries** (Orange County, California)
The plaintiff was hired as a quality control technician in September 2017. On March 24, 2020, the plaintiff began experiencing COVID-19 symptoms, informed his employer, and left work. When the plaintiff communicated with his health care provider two days later, however, the health care provider was unable to test the plaintiff because of the lack of available testing at that time. The health care provider nonetheless instructed the plaintiff to self-quarantine for 14 days. The plaintiff advised the defendant that his health care provider opined that the plaintiff contracted COVID-19 and had instructed a 14-day self-quarantine. The defendant ended the plaintiff’s employment on March 30. The plaintiff alleges that he was replaced shortly thereafter. The plaintiff claims that his employment was wrongfully terminated in violation of public policy under the guise of a "layoff" while he was self-quarantining for 14 days on the belief he had contracted COVID-19. The plaintiff also makes various claims with respect to California’s FEHA, including: disability or medical condition discrimination; failure to accommodate; failure to engage in the interactive process; retaliation; failure to prevent violation of FEHA; interference, and retaliation. The plaintiff claims a range of damages, including financial losses (included loss of pay and benefits); loss of employment-related opportunities; emotional distress; punitive damages; and attorney fees and costs.

**Manriquez v. Family Health Centers of San Diego, Inc., et al.** (San Diego County, California)
The plaintiff, a speech language pathologist, alleges that she was “terrified of being infected with [COVID-19] due to her chronic asthma.” The plaintiff alleges that on March 16, her medical provider restricted her to only return to work only if she could see patients online via the internet using "TeleHealth”, i.e., no inperson therapy sessions. The plaintiff alleges that upon notifying her supervisors of this restriction, “she immediately received an email from [her supervisors] stating that it would not be able to accommodate her TeleHealth restriction for patient visits.” The plaintiff alleges that her supervisors could “have easily accommodated her reasonable request, particularly because the same request to work via TeleHealth was granted to another employee." The plaintiff further alleges that the plaintiff was terminated the same day she made the request, in retaliation for “her disability / medical condition (asthma) and/or perceived disability / medical condition and for requesting a reasonable
accommodation.” She brings claims for disability discrimination, a failure to accommodate disability, failure to engage in a good faith interactive process, failure to prevent discrimination and retaliation, and retaliation in violation of California law.

**Steven Musgrave v. Mike Shaw C.C. Motors, Inc. dba Mike Shaw Kia**  
(Southern District of Texas)  
The plaintiff, a finance manager, claims that the defendant, a car dealer, terminated him in violation of the EFMLEA and FMLA after he took a leave of absence because he had COVID-19 symptoms, because a child in his household tested positive for COVID-19, and because he was quarantining at home awaiting COVID-19 test results. The plaintiff alleges that on June 23, he communicated to the defendant that he was exhibiting symptoms of COVID-19. The defendant allegedly instructed him to continue working the rest of the day, and to get tested the next day. On June 24, the plaintiff was tested for COVID-19 and advised by a health care professional to not work for at least one week while awaiting test results, which the plaintiff communicated to the defendant. The plaintiff alleges that on June 27, a child in his home tested positive for COVID-19 and that he promptly informed the defendant, who asked him to obtain a rapid COVID-19 test so that he could return to work if the result was negative. The plaintiff complied with the defendant's request to get a rapid test, and was again advised by a health care professional to not work until July 8. On July 8, the plaintiff returned to work, and within minutes was informed by the defendant of his discharge, because of his alleged failure to properly utilize electronic contracts for one or more car sales in early June 2020. The plaintiff denies violating any company policy or procedure and alleges that he was discharged because he exercised his statutory rights under the EFMLEA and FMLA.

**Roman v. Hertz Local Edition Corp., et al.**  
(San Diego County, California)  
The plaintiff was a manager associate for the defendant. She alleges that on Sept. 1, she began experiencing mild cold-like symptoms. She claims that she reported to work the next day, but left during her lunch break to take a COVID-19 test. She claims that she then returned to work and texted her manager to let him know that she had taken a COVID-19 test and was going to leave work to wait for the results. She claims that her supervisor authorized her to take that day and the following day off work. She alleges that on Sept. 3, her manager called her and asked if she was feeling well enough to return to work the next day. She allegedly reported to work on Sept. 4 and, three hours into her shift, received a notification that she had tested positive for COVID-19. She alleges that she immediately notified her manager and went home to quarantine. She claims that on Sept. 20, she took another COVID-19 test and received a negative result, which she sent to the general manager and human resources. She alleges that on Sept. 24, the defendant telephoned her and informed her that she was on suspension while the company conducted an investigation, but she was not informed of the basis for the investigation. She further claims that on Sept. 29, the general manager and a human resources representative called her and informed her that she was terminated for violating unspecified company rules and policies. The plaintiff alleges that this reason was pretextual, and that she was actually terminated because she tested positive for COVID-19. She brings causes of action for wrongful termination, discrimination, retaliation, failure to engage in the interactive process, failure to accommodate, failure to provide itemized wage statements, and failure to timely pay final wages.
November 9, 2020

Asquith v. Suede Salon & Spa (Camden County, New Jersey)
The plaintiff worked as a “colorist” at the defendant salon. On or around July 1, after having been forced to shut down in April due to the governor’s COVID-19 pandemic order, salons were permitted to reopen as long as they followed certain guidelines. One of those guidelines required salons to not accept walk-in appointments. However, on July 19, the plaintiff’s manager texted her and other co-workers stating, in part, that they would have to accept walk-ins. The plaintiff responded and requested clarification, and also sent a screenshot of the governor’s order stating that salons could not accept walk-in customers. The plaintiff’s manager then allegedly replied that she thought the restrictions were “ridiculous.” The plaintiff disagreed and stated that she thought the restrictions were in place for a good reason. The plaintiff’s manager then allegedly responded by demanding that she come to the salon for a meeting on July 21. The plaintiff refused to attend this meeting on the grounds that it would violate the governor’s restriction, which prevented off-duty employees from being on the premises, and the plaintiff could not come that day because she did not have child care arrangements. The plaintiff’s manager informed her, during what the plaintiff referred to as a “hostile phone call,” that she was terminated for insubordination. The plaintiff sued the defendant under the New Jersey Conscientious Employee Protection Act for terminating her employment allegedly in retaliation for her protestations against violating the governor’s COVID-19 order.

Miller v. Commercial Air, Inc. (Southern District of Indiana)
The plaintiff, a 55-year-old welder and pipefitter who suffers from tricompartmental osteoarthritis, alleges age and disability discrimination in violation of the ADEA and ADA respectively. The plaintiff alleges that in mid-March, “his employer informed its employees that they were being laid-off until further notice due to the COVID-19 pandemic.” The plaintiff alleges that with the exception of the plaintiff, the “other employees were only laid off for one day,” while the “plaintiff was laid off for over a week and was never called back to work.” According to the complaint, the plaintiff “received an email . . . informing him that his employment was being terminated as ‘an unfortunate consequence of what is happening in the world right now.’” The plaintiff assets that his employer moved “a crew of substantially younger and/or not disabled or regarded as disabled workers from another job site to work on the job that [the plaintiff] had been working on.” Accordingly, the plaintiff alleges that he was discriminated against because of his age and disability.

Najera v. Inteva Products LLC, et al. (Southern District of Texas)
The plaintiff, a customer service representative, asserts that on June 3, the defendants instructed her to take “leave from work” to get a COVID-19 test. The complaint does not state the reason, if any, for this alleged instruction. On June 16, the plaintiff tested negative for COVID-19, but asked the defendant for time off to see her doctor, because she continued to feel unwell. The next day, the plaintiff claims that she visited her healthcare provider, who instructed her to stay home for seven days and to take a second COVID-19 test. According to the complaint, the plaintiff notified the defendant of her doctor’s instructions on June 17, took a second COVID-19 test on June 25, tested positive for COVID-19, and informed the defendants of her test results on June 26. In early July, the plaintiff was allegedly fired because she received “negative
results and was instructed to return to work,” but “refused.” The plaintiff sued for violations of the Emergency Paid Sick Leave Act, the Fair Labor Standards Act, and Family and Medical Leave Act.

**November 5, 2020**

*Robledo v. Loomba MD INC., et al.* (San Bernadino County, California)
The plaintiff worked for the defendant, a pain management clinic. The plaintiff claims that the defendant’s owner, a physician who managed the practice, refused to wear a mask in response to the pandemic and prohibited clinic employees from doing so, despite recommendations and mandates from public health agencies to use personal protective equipment. According to the plaintiff, the defendant allowed the plaintiff to wear a mask after multiple requests. In mid-July, the defendant’s owner allegedly tested positive for COVID-19 and agreed that the plaintiff could quarantine for 14 days because she had been in close contact with the defendant’s owner. The plaintiff claims that, after she began quarantine, the defendant’s owner pressured her to return to work, saying, “You can just get the test done and it will be best thing. If you are asymmetric [sic] you should be fine.” The defendant purportedly told employees that they could self-quarantine only if they had a positive COVID-19 test; otherwise, the defendant would consider it “job abandonment.” The plaintiff claims she persuaded the defendant to allow quarantine without a positive COVID-19 test, citing CDC guidelines, but that the defendant nonetheless terminated her employment “for job abandonment.” The plaintiff alleged that her termination violated state laws prohibiting retaliation against an employee who opposes, reports or refuses to participate in conduct she or he reasonably believes is unlawful or unsafe, and violated public policy of mitigating the spread of COVID-19, as evidenced by state and local orders, regulations, and laws requiring face coverings, social distancing, and self-quarantine.

*Bruno v. Protec Association Services, et al.* (San Diego County, California)
The plaintiff, a technician, alleges, among other things, that his employer failed to notify all employees of a potential COVID-19 exposure situation in violation of the California Labor Code, and wrongful termination in violation of public policy. The plaintiff claims that around June 2020, the plaintiff learned through one of his co-workers that another co-worker had tested positive for COVID-19. The plaintiff alleges that his supervisor told a few employees, but did not tell the plaintiff. The plaintiff claims that around the same time, he spoke to “Human Resources and made a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].”

*Drake v. Kim & Bae, P.C., et al.* (Bergen County, New Jersey)

The plaintiff alleged that his supervisor told a few employees, but did not tell the plaintiff. The plaintiff claims that around the same time, he spoke to “Human Resources and made a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and 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plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclosing and notifying other employees that somebody in the work place had tested positive for COVID-19 but failing to notify all employees including [the plaintiff].” The plaintiff alleges that after speaking with human resources, he received a call from his supervisor who was upset with the plaintiff for making a complaint about his supervisor . . . disclose...
The plaintiff was an attorney at the defendant law firm. On March 16, after allegedly learning that she had been exposed to someone with COVID-19, the plaintiff notified the defendant of her intent to self-quarantine. On March 18, the plaintiff claims the defendant responded that she could not return to work until the defendant had seen her test results. According to the plaintiff, her doctor told her she could not test her for COVID-19 because tests were in short supply and limited to first responders. The plaintiff asserts that she provide a doctor’s note instructing the plaintiff to self-quarantine until she could be tested. The next day, the plaintiff notified the defendant that she had received a COVID-19 test at a drive-in testing center and that she expected results in a week. On March 27, the plaintiff states that she informed the defendant that she had tested negative, but that her doctor “was presuming her to be positive given the fact that she was exhibiting all of the classic COVID-19 symptoms, that her symptoms had not improved and that the accuracy of the testing was in question.” Later that day, the plaintiff was terminated, allegedly because of COVID-19’s economic impact. Following her discharge, the plaintiff brought claims under state law for, among other things, disability discrimination, failure to accommodate, whistleblower retaliation, and failure to provide earned sick leave. Unrelated to her COVID-19 claims, the plaintiff also alleges gender discrimination and a hostile work environment based on “a plethora of inappropriate acts in the workplace towards plaintiff and other females including repeated, uninvited stereotypical comments about gender and sex and derogatory and other inappropriate comments based on gender and/or sex.”

November 4, 2020

Tarantul v. New York City Health and Hospitals Corporation (New York County, New York)
The plaintiff was the coordinating manager for the Women’s, Infants and Children Program (WIC) at Coney Island Hospital. She alleges that in mid-March, the New York City public school system transitioned to remote learning as a result of the COVID-19 pandemic, and she consequently lost her child care for her three young children. She claims that she requested an accommodation to work remotely so that she could care for her children, but that her supervisor ignored her request and refused to engage in an interactive process or cooperative dialogue. She alleges that on April 14, the defendant declared her “absent without leave.” She alleges that on May 8, she submitted a formal, written complaint of caregiver status discrimination to the director of labor relations at the hospital. She claims that in response, she received an email stating that she should have submitted her leave request to the equal employment opportunity officer. She alleges that she had previously been in contact with the officer about her need for accommodation and he advised her that he could not assist because her leave did not arise from a medical issue. The plaintiff alleges that she nevertheless resubmitted her formal complaint to the equal employment opportunity officer. She claims that on June 22, the officer sent her a letter advising her that following an investigation into her complaint of caregiver status discrimination, the hospital determined that their policy had not been violated and her status of “absent without leave” would stay in place. She claims that her employment “has been severed” through no fault of her own as a result of the hospital’s refusal to provide her with an accommodation. She brings one cause of action for caregiver status discrimination and seeks
November 3, 2020

Beradette Guerriero v. Allergo School Inc., et al. (Morris County, New Jersey)
The plaintiff was a certified school nurse for the defendant, and alleges that in February, she “began voicing concerns about the growing global pandemic (COVID-19) and its potential impact on the safety of the various constituents, including students, teachers, nurses, and personnel to Defendants.” According to the plaintiff, she “wanted to make sure the school considered the adequate distribution of resources such as waste baskets, sanitizers, soap, gloves, disinfectant, and paper towels, among other things, for the safety of all.” She claims that in April, she shared an article about a shortage in medical supplies and equipment, and shared her concerns that the school would not be able to reopen safely in September. In June, she discovered that the school “was in dire need of supplies for cleaning and disinfecting surfaces, personal protective gear, and social distancing signage in order to meet the September 2020 re-opening date.” During a July 22 meeting with the defendant’s assistant executive director regarding “concerns about the safety and health of students, teachers, personnel, and parents in light of limited supplies and” PPE, the plaintiff “shared the team’s desire to call the County Superintendent due to [the defendant’s] lack of compliance with CDC guidelines.” She alleges that on July 23, after she emailed supervisors and leaders about “the lack of plan in place for the school’s re-opening,” but her “laptop stopped working.” The plaintiff claims that on July 25, she was given a letter stating that the defendant had “accepted her resignation,” though she had not resigned. The plaintiff claims she was terminated in response to her safety complaints, in violation of the New Jersey Conscientious Employee Protection Act.

Foster v. Eastern Tea Corp, et al. (Middlesex County, New Jersey)
The plaintiff, a customer service and logistics manager, filed suit against her former employer for alleged wrongful termination in violation of various New Jersey state laws. The plaintiff alleges that in the months before the COVID-19 pandemic hit, she had advised the defendants of her medical condition, a blood clot disorder that caused her to have a stroke four years ago. As a result, after the governor of New Jersey declared a public emergency with respect to COVID-19, the plaintiff began to work from home. The plaintiff alleges that she attempted to provide her employer with a doctor’s note concerning her condition and the risk posed by COVID-19, but the defendants assured her that such a note was not necessary. The plaintiff alleges that she continued to work from home for several months without issue or complaint by the defendants. However, the plaintiff alleges that in mid-May her supervisor told her she needed to come to the office to cover the telephones because the regular receptionist was taking the day off to celebrate her birthday. The plaintiff alleges that she refused to come in because on the few occasions she had come to the office during the pandemic to pick up various items, she noticed that COVID-19 safety procedures were not being followed. On the day she was supposed to come to the office, she alleges that she received an email from her supervisor terminating her employment due to her refusal to come to the office. Based upon these allegations, the plaintiff claims that her termination violated New Jersey public policy, New Jersey’s Conscientious Employee Protection Act and the state’s Law Against Discrimination, due to the defendants wrongfully
terminating her and failing to accommodate her disability.

_Plowman v. New Mexico Department of Transportation, et al._ (Santa Fe County, New Mexico)
The plaintiff worked as a cashier for the defendant at the Lordsburg, New Mexico, port of entry. Sometime in spring 2020, the plaintiff’s wife contracted COVID-19, which required the plaintiff to quarantine. The plaintiff never tested positive for the virus, and was required to provide a negative test result in order to return to work, which he did. On June 15, the plaintiff complained to his supervisor that another employee had disclosed to other employees that the plaintiff had tested positive for COVID-19, even though he had not. The plaintiff believed this to be a violation of HIPAA. On July 10, the plaintiff was told by the defendant that because his wife continued to test positive for the COVID-19 virus, he would not be allowed to return to work. Then, on July 13, the plaintiff was terminated, and allegedly told that he was being terminated because his wife had COVID-19. The plaintiff sued the defendant under New Mexico state law for age discrimination, alleging that younger employees were not terminated for being exposed to someone with the COVID-19 virus; and for disability discrimination, alleging the defendant perceived him as being disabled because he was exposed to the virus. Unrelated to his COVID-19 claims, the plaintiff also alleges a violation of the state Whistleblower Protection Act, alleging he was terminated in retaliation for making a good faith complaint about behavior he reasonably thought violated HIPAA.

_Carly Stephens v. Adler Social LLC_ (Southern District of Florida)
The plaintiff, an employee for a social media management services company, claims that her employer terminated her due to her gender, in violation of Title VII, and because she was pregnant, in violation of the ADA and the Florida Civil Rights Act. Specifically, the plaintiff alleges that during her pregnancy, she began to experience COVID-19 symptoms, and that her obstetrician directed her not to work, pending a COVID-19 test. Prior to receiving the test result, the plaintiff alleges that her supervisor contacted her and asked whether she was returning to work. The plaintiff alleges that she offered to work from home, an arrangement her employer permitted as an accommodation to other similarly situated, non-pregnant employees, but that her supervisor denied her request and insisted that she return to the office. The plaintiff alleges that her employer terminated her four days later allegedly due to a reduction in force, despite that her employer hired at least one new, non-pregnant employee after terminating the plaintiff.

_November 2, 2020_
_Carmona v. Carmax Auto Super Stores_ (District of Maryland)
The plaintiff, a sales associate, alleges he was wrongfully discharged in violation of the ADA. The plaintiff claims that his wife was determined to be at “high risk” of contracting COVID-19 and requested to wear a mask and and gloves, “to ensure her continued well-being upon his return home from work.” The plaintiff alleges that his manager told him that wearing masks at work was prohibited, and “was asked to remove his protective gear during work hours.” In response, the plaintiff alleges that he explained that his wife was a “high risk” of contracting COVID-19. The plaintiff alleges that he was “reported” to a store manager, who “demanded [the plaintiff] remove his protective gear because the continued wearing of such gear would ‘scare away customers’ and in
turn, ‘affect [the plaintiff's] income.” The plaintiff alleges that he was “furloughed with pay” when the store closed, and brought back to work four weeks later. The plaintiff alleges that upon returning to work, he asked to wear a mask and have sanitizing spray so that he could sanitize his workspace. The plaintiff alleges both requests were denied, and was told that he should purchase his own sanitation products. The plaintiff alleges that he expressed his concerns regarding the lack of COVID-19 procedures and protocols to a manager, and the manager became visibly upset and instructed the plaintiff to take the next day off. The following day, the plaintiff was placed on administrative leave and terminated four days later, though the complaint does not allege the reasons given for the termination. The plaintiff alleges that his employer refused to “make and implement reasonable accommodations to [the plaintiff] knowing the disability of Plaintiff's wife,” and that his employer “retaliated against [him] because he opposed the conduct by Defendant made unlawful under the ADA.”

Heimann v. Symphony of Woodhaven, LLC, et al. (Wayne County, Michigan)

The plaintiff was a nurse for an assisted living facility. She alleges that between April 1 and Aug. 4, she complained to the defendant both orally and in writing that there were an inadequate number of nurses and that the defendant was not providing adequate protection to employees or residents in response to the COVID-19 pandemic. She claims that on Aug. 4, she was notified by the general manager that her employment was terminated “secondary to attendance.” She alleges that the stated reason for her termination was pretextual, and that she was actually terminated as a result of her complaints. She claims that the defendant was concerned that she was about to report her complaints to the Michigan Department of Human Services and its Bureau of Children and Adult Licensing within the Michigan Department of Licensing and Regulatory Affairs and the Michigan Occupational Safety and Health Administration. She brings causes of action for whistleblower retaliation and wrongful termination.

Rendon v. South Dade Chamber of Commerce, Inc. (Southern District of Florida)

The plaintiff worked as an office clerk for the defendant. On March 18, 2020, the plaintiff fell ill and was admitted to the hospital, where on March 23 she tested positive for COVID-19 and was diagnosed with multifocal pneumonia. The plaintiff was intubated until April 6, and was discharged from the hospital on April 13 to continue her recovery at home. During her hospital stay, the plaintiff alleges she and her family kept her boss updated on her condition. Nonetheless, the defendant terminated the plaintiff’s employment on March 27, while she was intubated. The plaintiff sued the defendant under the EPSLA for its failure to pay two weeks of leave while she was unable to work due to her COVID-19 diagnosis, and also under the FFCRA for retaliating against her for needing leave to recover from that diagnosis. Unrelated to the COVID-19 claims, the plaintiff also sued the defendant under the FLSA for allegedly failing to pay her for overtime hours which she allegedly worked.

October 30, 2020

Babel v. Farrington Construction Company, et al. (Chittenden County, Vermont)

The plaintiff, a former office manager for a construction company, filed a
complaint against her employer for violations of various state anti-discrimination laws. The plaintiff alleges that she worked in a “boys’ club” where she suffered retaliation for expressing concern about her supervisor having been exposed to COVID-19 and co-workers traveling out of state without self-quarantining. The plaintiff reports that she voiced the concerns out of consideration for her special needs child who was high-risk for COVID-19. The plaintiff claims that her employer had the office cleaned and implemented temperature screening. The plaintiff alleges that when she self-reported a fever her employer sent her home to be tested for the virus. She claims that although she tested negative for COVID-19, her employer wrongfully terminated her employment on the pretext of finding evidence of purported financial irregularities and errors in her work during her absence. The plaintiff claims violations of the Vermont Occupational Safety and Health Act, the Equal Pay Act, the Vermont Parental and Family Leave Act, and the Vermont Fair Employment and Practices Act, and common law. The plaintiff seeks an unspecified award of lost earnings and treble damages, emotion distress damages, punitive damages, attorneys’ fees and costs.

Babafemi Hotonu v. State of New Jersey, et al. (Middlesex County, New Jersey)
The plaintiff, a former human services assistant, alleges that the defendants unlawfully terminated his employment due to his COVID-19 related employment leave. The plaintiff claims that on or about April 1, the plaintiff advised his supervisor that he was “required to take custody of his children and would have to take leave to care for them because their school was closed due to COVID-19.” The plaintiff provided documentation of the custody agreement and documentation proving the children’s schools were closed. The plaintiff alleges the defendants’ head of human resources accused him of lying and denied his request for leave, then advised him that he could use “earned and unearned time for his weekday schedule, but he was expected to report to duty for his regularly scheduled weekend days or face disciplinary action.” On June 15, the defendants provided notice to the plaintiff that his earned and unearned time balances would expire on July 10, after which the plaintiff would receive unauthorized absences. When the plaintiff returned to work on July 8, he was served a disciplinary action for absences on July 1 and July 2. The plaintiff asserts he was subjected to adverse employment actions as a result of his right, under New Jersey law, to be given sick leave in order to care for his children whose schools closed due to “an epidemic or other health emergency.” The plaintiff filed a seven-count complaint alleging his termination during the COVID-19 pandemic violated the FFCRA, that he was retaliated against in violation of the Emergency Family and Medical Leave Expansion Act and the New Jersey Family Leave Act, that the defendants’ violated the plaintiff’s New Jersey Earned Sick Leave Law protections, and that all of the defendants’ violations support the plaintiff’s request for equitable relief.

Hudson v. Stockton Nursing and Rehab Center (San Joaquin County, California)
The plaintiff worked as director of staff and development for the defendant. Around May 21, the plaintiff and other employees tested positive for COVID-19. The plaintiff and these other staff members were placed in mandatory 10-day quarantine. Moreover, the plaintiff’s doctor advised her not to return to work until June 8 “due to her symptoms, coupled with her advanced age [61] and high-risk position.” On May 31,
the defendant’s administrator texted the plaintiff and other quarantining staff members and instructed them to return to work, allegedly stating that many of them “aren’t really that sick.” The plaintiff responded stating that she planned on taking the remainder of her approved time off until June 8. The defendant’s administrator allegedly responded ordering the plaintiff back to work immediately, thereby revoking the prior approval of her time off until June 8. The plaintiff alleges she did not see this text until around June 4 or 5. When she returned to work on June 8, the plaintiff was called into a meeting with the defendant’s administrator and was terminated. The plaintiff’s termination notice allegedly stated that although she had contracted COVID-19, the plaintiff did not have any “distressing symptoms,” and did not return to work when she was ordered to. The plaintiff sued the defendant under state law, alleging the reasons given for her termination are a pretext for disability discrimination and retaliation for requesting an accommodation. The plaintiff also sued the defendant for its failure to provide sick time to which she alleges she was entitled under state law, and further retaliating against her for her request to use such sick time.

*Wilkins v. BTW Transportation, Inc.* (District Court of Tennessee)
The plaintiff worked as a driver for the defendant. The plaintiff alleges that his mother, with whom the plaintiff had been in close contact the previous day, received a positive COVID-19 test result. According to the plaintiff, he informed the defendant on July 1 that he would need to self-quarantine until he received a COVID-19 test and the defendant “approved” his time off. On July 7, the plaintiff claims he received the first available COVID-19 test, the results of which he expected in 5-10 days (or between July 12 and 17). The plaintiff contends that he gave the defendant updates regarding his testing, but that the defendant fired the plaintiff on July 11 on the grounds “that he had refused to come to work.” Following his termination, the plaintiff sued the defendant for, among other claims, wrongful termination in violation of the Emergency Paid Sick Leave Act.

**October 29, 2020**

*Baker-Redman v. Premise Health Employer Solutions, LLC* (Fayette County, Kentucky)
The plaintiff, a registered nurse, alleges, among other things, disability discrimination and breach of contract. The plaintiff alleges that she has been diagnosed with asthma “that affects the major life functions of breathing.” The plaintiff alleges that around April 2, the plaintiff requested to work from home due to the COVID-19 pandemic. On April 8, the plaintiff was terminated from her position. The plaintiff claims that she was disabled, and that her employer failed to “engage in an interactive process with the [p]laintiff in order to determine an accommodation for the [p]laintiff,” in violation of Kentucky law. The plaintiff claims “compensatory damages for loss of employment as well as damages for the [p]laintiff’s embarrassment and humiliation;” punitive damages, and reasonable attorney fees.

*Baker v. Tectum Holdings, Inc. dba Truck Hero* (Washtenaw County, Michigan)
The plaintiff was a design engineer for the defendant, which manufactures and sells aftermarket automotive accessories for trucks. She alleges that on March 30, the defendant furloughed her and 15 other employees in the engineering group, citing COVID-19. She claims that on June 24, the defendant informed her that her employment was terminated. However,
she claims that all of the other furloughed employees were males and that they were all brought back to work. She further alleges that the defendant advertised four job openings in the engineering group 42 days after she was terminated. She claims that the company actually terminated her employment because of her gender, and not because of the COVID-19 pandemic. She brings one cause of action for gender discrimination.

_Blevins v. Atrium Living Centers, Inc., et al._ (Northern District of Ohio)
The plaintiff, a former director of social services for two regional nursing home operators, filed a complaint against her employers for violations of the Americans with Disabilities Act and its state law counterpart. The plaintiff alleges that she suffered from COPD and, during a flare-up, she sought medical treatment for respiratory complications. She alleges that she received multiple leaves from work, during which time she submitted FMLA leave medical certification. The plaintiff alleges that after several leaves her physician instructed her to continue to stay at home due to risks associated with the COVID-19 pandemic. The plaintiff alleges that she sought additional accommodation from her employers, but that her employment was terminated when she failed to return to work “without restrictions” after the expiration of 12 weeks from her first day of leave. The plaintiff claims that the defendants discriminated against her on the basis of her disability, unlawfully failed to engage in an interactive process with her under the ADA, and wrongfully terminated her employment. The plaintiff seeks an unspecified award of back pay, front pay, liquidated damages, compensatory damages, punitive damages, attorneys’ fees and costs.

_Gomez v. Peninsula Building Materials Co., et al._ (San Mateo County, California)
The plaintiff, a delivery man who is Latinx and over 40 years old, alleges, among other things, that he was terminated based on his age and national origin in violation of the California Fair Employment and Housing Act. The plaintiff alleges that in July, he tested positive for COVID-19. He claims that he was at least the second employee from his employer to contact COVID-19, with the first employee being a white male under the age of 40. The plaintiff alleges that the first employee was permitted to return to work and resume full duties upon his medical release. The plaintiff alleges that when he sought to return to work after being medically released, his supervisor refused to allow him to return. The next day, the plaintiff claims, his employment was terminated “with no prior notice or warning.” The plaintiff claims he was discriminated against because of his age and his “ethnicity/nationality/national origin/race.”

_Lofthus v. Polynovo North America, LLC_ (Southern District of Indiana)
The plaintiff was a territory manager, a position that required him to make frequent trips to Illinois to visit clients. The plaintiff suffered from Type 1 diabetes, which put him at higher risk if he were to contract the COVID-19 virus. So in May 2020, amidst the COVID-19 pandemic, the plaintiff claims he had a conversation with his direct supervisor in which he specifically requested to work from home during the pandemic. The plaintiff’s supervisor denied this request. However, the plaintiff alleges that other “similarly situated” employees were allowed to work from home. Following this conversation, the plaintiff asked his endocrinologist for a note certifying his condition and his heightened risk for COVID-19. On June 1, the plaintiff was called to a meeting with his direct supervisor and the VP of sales for the defendant. At this meeting, the plaintiff’s direct supervisor presented him with the option of resigning or being terminated
due to “alleged performance issues.” The plaintiff’s boss allegedly stated that “based on his disability, [the plaintiff] would have difficulty traveling to Illinois to continue performing his job.” The next day, the plaintiff’s endocrinologist sent a letter to the defendant certifying the plaintiff’s disability. However, the plaintiff’s employment was terminated on June 3. The plaintiff sued the defendant under the ADA, alleging that the reasons given for his termination are a pretext for unlawful disability discrimination.

Moyer, et al. v. The Ten Ten Group, LLC, et al. (Fayette County, Kentucky)
The two plaintiffs were hourly employees at a grocery store. They allege that in March, they became concerned about the lack of safety protocols to protect employees from COVID-19. They also claim that another employee “broached the topic of hazard pay,” which they supported. They allege that one of the plaintiffs organized a meeting of non-management employees so that they could organize and advocate for hazard pay. They claim that they worked together to draft a letter advocating for hazard pay, and circulated the letter to other employees to sign. They allege that the following day, the owners of the grocery store sent an email to employees warning them that layoffs could be coming. They further allege that the day after that, the owners held a meeting with all employees in which they acknowledged employees’ safety concerns and demand for hazard pay, and again threatened layoffs. The plaintiffs claim that two days later they were terminated, and that the company cited the pandemic and changes to its business model as the reasons. They claim that they had been employed longer than other workers who were retained. Further, the plaintiffs claim that the company posted on social media the next day that it chose “to eliminate a few [workers] who had bullied [the] team.” The plaintiffs allege that a subsequent social media post by the grocery store reflected that two new staff members were hired after the plaintiffs were terminated. They also claim that the owners described them as “bitter” to at least one other person. They claim that they were actually terminated as a result of their complaints, and allege that the statements concerning them bullying other workers and being bitter were false and defamatory. They bring causes of action for defamation and wrongful termination.

October 28, 2020
Ayer v. J. Alexander Restaurants, LLC (Palm Beach County, Florida)
The plaintiff, a kitchen manager, filed suit against the defendant for wrongful termination in retaliation for filing a workers compensation claim and complaining about a lack of COVID-19 safety protocols. The plaintiff alleges that he injured his finger on the job and filed a claim for workers’ compensation benefits. The plaintiff alleges that the defendant was not pleased with him for filing a workers’ compensation claim rather than using his private insurance to pay for the medical treatment. Around the same time, the plaintiff alleges that he reached out to his supervisor concerning the defendant’s failure to implement health and safety protocols in light of COVID-19. The plaintiff alleges that his supervisor told him that if he was concerned about COVID-19, he could take an unpaid leave of absence, which the plaintiff did. When the plaintiff attempted to return to work, he alleges that the defendant had still not implemented COVID-19 safety protocols. The plaintiff alleges that around the time he attempted to return to work, he noticed a payment made in his bank account by the defendant, which was then reversed. Thereafter, the plaintiff alleges that the defendant terminated him for the pretextual reason that he did not notify the defendant of an overpayment to him,
which the plaintiff alleges he was unaware of in the first place. Based upon these allegations, the plaintiff claims that his termination was retaliatory, in violation of Florida state law, for filing a workers’ compensation claim and for complaining about the lack of COVID-19 safety protocols.

*Morrero v. Health Mats Co.* (District of New Jersey)
The plaintiff, a delivery driver, filed suit against his former employer for alleged violations of the ADA, the FLSA, and the New Jersey state law analogues. The plaintiff alleges that in 2019 he returned to work after being on medical leave while dealing with “life threatening” cancer. Upon his return, the plaintiff alleges that he had various restrictions which required him to be placed on “light duty.” The plaintiff alleges that although his restrictions were lifted by December 2019, the defendant frequently questioned whether the plaintiff could perform the duties of his job. The plaintiff claims that he was “remov[ed]” from work in late March 2020, although the complaint is unclear as to why, and formally terminated in late April 2020. The plaintiff alleges that the reason the defendant gave for his termination, the COVID-19 pandemic, was pretextual. The plaintiff further alleges that shortly before he was terminated, the defendant improperly converted him from a non-exempt employee to an exempt employee in order to avoid paying him overtime. The plaintiff claims that after he was converted to non-exempt, he complained several times to the defendant that he should be receiving overtime pay. Based upon these allegations, the plaintiff claims that the defendant discriminated against him on the basis of his medical disability, it improperly failed to pay him overtime wages and retaliated against him for complaining about his wages.

**October 26, 2020**
*Princess Gayles-Jones v. Spring Hills Senior Communities, et al.* (Middlesex County, New Jersey)
The plaintiff, director of resident care for an assisted living residence, claims she was wrongfully terminated in March 2020. The plaintiff had school-age children, but was told she needed to come to the work site to perform her duties. The plaintiff claims that a co-worker (who later tested positive for COVID-19) later exhibited COVID-19 symptoms during a work meeting, so the employer decided to quarantine nurses who attended the meeting. The plaintiff reported to her employer that she had a sore throat and headache and was monitoring her symptoms from home. According to the plaintiff, her manager indicated that she should be on site because of her position, but the plaintiff continued working from home. During this time period, the plaintiff passed on a nurse’s concerns about various issues of compliance and procedure. The plaintiff did not say she would return to work with the others nurses who had quarantined, indicating instead that her symptoms continued and that she would consult her doctor. She was terminated shortly thereafter. The plaintiff makes disability and retaliation claims related to her disability or perceived disability, as well as whistleblower claims related to her reports of public policy violations; being denied the right to work from home to care for children during school closing; complaining that nurses were failing to properly inventory and count narcotic medication, complaining of discrepancies between the narcotics present and those listed in inventory, and objecting to being denied the right to quarantine in the face of her reasonable belief that she had been exposed to COVID-19 at work. Finally, unrelated to her COVID-19 claims, the plaintiff claims violation of
wage laws, alleging that she worked during self-quarantine but was not paid for that work and was not reimbursed for business expenses.

**Posey v. Bechtel Global Corporation, et al. (Eastern District of Tennessee)**
The plaintiff, a survey technician, filed suit against his employer for alleged violation of the ADA, as amended. The plaintiff alleges that because the defendant believed he was at higher risk for COVID-19 due to his asthma and heart condition, the defendant requested that the plaintiff self-quarantine during the onset of the COVID-19 pandemic. Thereafter, the plaintiff alleges that the defendant requested a note from the plaintiff’s healthcare provider to confirm that the plaintiff was in fact at high-risk. Several days later, the plaintiff acquired a note from his healthcare provider confirming the elevated risk, which the plaintiff alleges that he provided to the defendant via email. The plaintiff alleges that the defendant’s HR representative stated that the note was never received. The plaintiff alleges that he attempted several more times to provide the note, including requesting that his healthcare provider fax it to the defendant. The defendant eventually received a note from the plaintiff’s healthcare provider, however, the plaintiff alleges that an additional signature appeared on the note. The plaintiff alleges that when the defendant contacted the healthcare provider, the additional signature could not be identified. The plaintiff claims that, as a result, the defendant terminated the plaintiff for providing a note with a “fraudulent signature.” The plaintiff claims the reason given was pre-textual, that the defendant failed to engage in the interactive process, and the defendant therefore violated the ADA by terminating him.

**October 23, 2020**

**Gregory Arevalo v. Cover Me Insurance Agency, Inc., et al. (Union County, New Jersey)**
The plaintiff, a sales producer, claims he was terminated for absences related to COVID-19, and for exercising his rights under New Jersey’s Earned Sick Leave Law and the FFCRA. The plaintiff alleges that he requested and was approved for leave to visit his stepmother in North Carolina, and that when he returned to New Jersey, he self-quarantined for two weeks pursuant to the state’s travel advisory. Despite the fact that the plaintiff called and confirmed his planned return to work date with his employer, he alleges that the owner refused to pay his sick leave benefits. The plaintiff alleges that he responded that he would be returning to the office but he planned to contact the DOL to confirm whether he was entitled to benefits. Shortly after that call, the plaintiff claims his employer contacted him and told him they were “letting him go” because he threatened his employer. The plaintiff claims the motivating factor in his termination was his request for paid leave under the FFCRA.

**Bonds v. Panama City Housing Authority (Northern District of Florida)**
The plaintiff alleges that the defendant unlawfully terminated her employment due to a potential COVID-19 diagnosis. The plaintiff claims that in June 2020, the plaintiff began experiencing symptoms of COVID-19 and was tested for the virus. On June 12, the plaintiff’s first COVID-19 test came back inconclusive. The plaintiff informed her direct supervisor that she was advised not to return to work until her test results came back negative. The plaintiff took a second COVID-19 test on June 15, the results came back negative on June 19, and the plaintiff immediately notified her employer. However, rather than allowing the plaintiff to return to work, the defendant terminated her employment. The
defendant claimed that the plaintiff had been terminated because she missed a performance review that was scheduled for June 15, during the time the plaintiff was under quarantine due to her potential COVID-19 diagnosis. The plaintiff filed a one-count complaint alleging that her termination violated the FFCRA.

*Pasela v. Manor Care of Parma, OH LLC* (Cuyahoga County, Ohio)
The plaintiff, a former registered nurse for University Hospitals, filed a complaint against the defendant nursing home for defamation associated with her complaints regarding COVID-19 protocol violations at the defendant’s facility. The plaintiff alleges that she was assigned by University Hospitals to work at the defendant’s facilities and that upon her complaint of COVID-19 protocol breaches at that facility, she was removed from the facility even as an outbreak of the virus and at least one death occurred. The plaintiff alleges that due to defamatory statements by the defendant, she was placed on final warning and her employment was terminated by University Hospitals. The plaintiff seeks $250,000 in compensatory damages, $250,000 in punitive damages, and an award of attorneys’ fees and costs.

*Wyatt v. The Breakie Bunch Daycare* (Oakland County, Michigan)
The plaintiff worked as a teacher for the defendant at a daycare and learning center for children ages 6 to 12. The plaintiff is a single mother of two children, ages 6 and 8. The plaintiff believes she was the only teacher with young children at home. On March 27, the director of the defendant asked the plaintiff, along with approximately eight of her colleagues, to take a voluntary unpaid furlough due to the COVID-19 pandemic, and the plaintiff agreed. The director allegedly told the plaintiff that once the daycare was back up and running again, she would be brought back to work. On April 30, the director called the plaintiff and informed her that her employment was being terminated immediately. The director allegedly told the plaintiff that “she seemed happier at home” with her kids during the furlough. The plaintiff believes that all of the other furloughed employees were brought back to work around May 4. The plaintiff sued the defendant for familial status discrimination under state law, alleging that she was terminated because she was a single mother of two small children.

*October 22, 2020*
*Sazueta v. Grand Home Holdings Inc., et al.* (San Bernardino County, California)
The plaintiff, a former warehouse clerk for a specialty retailer of grills and outdoor living products, filed a complaint against her employer for violations of the California Fair Employment and Housing Act, and for wrongful termination. The plaintiff alleges that after a co-worker tested positive for COVID-19, she too tested positive for the virus. The plaintiff alleges that her employer granted her medical leave for her own hospitalization for COVID-19, and to care for her mother who entered hospice after contracting COVID-19. The plaintiff alleges that after her mother died from COVID-19, she suffered deep depression and anxiety that interfered with her performance of the essential functions of her job. The plaintiff alleges that her employer granted her medical leave for treatment, but later advised her that her employment might be terminated for exhausting all available sick and vacation leave. The plaintiff alleges that after granting her an additional leave to seek treatment for her depression and anxiety, her employer terminated her employment in
violation of the FEHA and public policy. The plaintiff seeks an unspecified award of lost earnings, declaratory and injunctive relief, general and special damages, interest, and attorneys’ fees and costs.

October 21, 2020

Akinyemi v. The Arc of Baltimore, Inc. (Baltimore County, Maryland)
The plaintiff, a former caregiver for people with developmental disabilities, alleges that the defendant wrongfully discharged the plaintiff after she contracted COVID-19 during the course of her employment. The plaintiff alleges that on Aug. 1 she worked at a new caregiving facility, and that on Aug. 5 a member of the defendant’s human resources team notified the plaintiff not to return to the new facility because someone had tested positive for COVID-19. However, on Aug. 6, when the plaintiff called the manager of her primary work facility to notify her that someone at the new facility had tested positive for COVID-19, the plaintiff’s manager confirmed that the plaintiff should report to her primary facility for work on Aug. 7, per her regular schedule. On Aug. 6, the plaintiff was tested for COVID-19. On Aug. 7, the plaintiff went to work at her primary work location, as instructed by her manager, and on Aug. 8 the plaintiff was informed by the Maryland Department of Health that she had tested positive for COVID-19. The plaintiff notified the defendant of her positive test result and that she had been instructed not to report to work. On Aug. 15, the Maryland Department of Health released the plaintiff to return to work immediately. The plaintiff claims she attempted to contact her manager from Aug. 15 to 25 to inform her that she could return to work, without success. On Aug. 25, the plaintiff received a call from her manager apologizing for not returning her calls and “then terminating the plaintiff because of her contact with COVID-19.” The plaintiff filed a two-count complaint alleging that her termination during the COVID-19 pandemic violated the FMLA and is entitled to payment for her accrued and unused paid leave.

October 20, 2020

Delvecchio v. Asnis Dental, PLLC (New York County, New York)
The plaintiff, a 47-year-old woman, had worked as a dental hygienist for the defendant since December 2017, and had worked for its predecessor since 1995. In March, she and all other hygienists were furloughed due to COVID-19. On April 21, she received an email asking if she was prepared to return to work when her office location reopened. The plaintiff responded in the affirmative. On May 7, 2020, she received a second email advising her that a PPE orientation email had been uploaded to the website of the defendant’s payroll and HR function provider. However, when she attempted to log into the presentation, the plaintiff was advised that the provider’s records reflected that she had been terminated. The plaintiff inquired with the defendant about her status and was advised that she had been sent the email regarding the PPE orientation in error, but the defendant did not respond to her direct question about whether she had been terminated. On June 10, the defendant finally confirmed that it had terminated her due to a purported lack of available hours. The plaintiff alleges that she was terminated due to her age, and that the number of hours of work for dental hygienists actually had increased at her location and other nearby locations. She further alleged that her hours were allocated to other hygienists who were significantly younger than the plaintiff. The plaintiff asserts two separate claims of age discrimination under the New York State Human Rights Law.
Za’ Tayah Ballard v. Highland Park Care Center, LLC, et al. (Allegheny County, Pennsylvania)
The plaintiff, a certified nursing assistant, claims she was wrongfully terminated in violation of public policy after she stayed home and self-isolated due to COVID-19 exposure. The plaintiff alleges that after she discovered she was exposed to an individual who tested positive for COVID-19, she informed her supervisor of the exposure and requested that she be removed from the schedule so she could quarantine for 14 days. The plaintiff alleges that her employer denied her request to quarantine and instead terminated her employment for unexcused absences.

Dane Williams v. Lakeland Bank, et al. (Essex County, New Jersey)
The plaintiff had a contractual relationship with the defendant Dexter Technologies, which reportedly facilitated his employment with the defendant Lakeland Bank. The plaintiff accepted a position as a network engineer and, in alleged reliance on the offer, gave notice to his then-employer. The plaintiff claims that, on his first day of work on March 23, he cleared his throat and had a few low-level muffled coughs, caused by what he believed were seasonal allergies or irritation from cleaning products used to sanitize the workplace. Later that day, the defendant’s human resources representative requested the plaintiff fill out a questionnaire pertaining to COVID-19, and the plaintiff complied. Late that day, the plaintiff was informed by defendant Dexter Technologies’ CEO that the defendant Lakeland Bank did not want the plaintiff to report back to work because of his coughing and the risk that he was infected with COVID-19. As of the filing of his complaint, the plaintiff claims he had not been infected with COVID-19. The plaintiff claims violation of New Jersey law related to perceived disability discrimination, and claims that Lakeland Bank failed to reasonably accommodate his perceived disability by failing to allow him reasonable time and opportunity to obtain a negative COVID-19 test, or time off from work to quarantine for a 14-day period, as recommended by the CDC. The plaintiff claims that, had he been infected with COVID-19, the condition would have fit the definition of handicap under state law. The plaintiff further claims that he was wrongfully discharged from employment in retaliation for requesting the reasonable accommodation of time to obtain a negative COVID-19 test, or time off from work to quarantine. Finally, the plaintiff claims retaliation, third-party beneficiary liability, and promissory estoppel.

October 19, 2020
The plaintiffs, each a nurse, claim violations under Pennsylvania’s whistleblower law, and race-based discrimination and retaliation under state law stemming from their terminations. The plaintiffs allege that in March 2020 the facility hired a new director, and that shortly thereafter, they complained to the director that she was violating workplace COVID-19 social distancing guidelines and protocol. The plaintiffs allege that following their complaints, the director began to verbally harass and subject the plaintiffs to false discipline. The plaintiffs further claim that while the director was speaking on the phone, she stated “I have three black nurses I need to get rid of” and named the plaintiffs. The plaintiffs claim that they were terminated that same day, without explanation. The plaintiffs allege that the director terminated them because of their health and safety complaints pertaining to COVID-19, and because of their
The plaintiff was a 54-year old office manager for the defendant dental office. On April 20, the plaintiff met with her boss to discuss reopening the office on May 1, which had been shut down due to the COVID-19 pandemic. At this meeting, the plaintiff allegedly learned that the defendant had no plans to comply with the state’s requirements for reopening, such as implementing infection control practices, providing adequate PPE, and pre-screening staff and patients for symptoms. The plaintiff raised concerns about the lack of compliance with the regulations, and her boss allegedly responded that if she did not agree with how the defendant planned to reopen, then “she could walk.” On April 28, the plaintiff called a meeting with all of the staff to discuss the plans for reopening. A couple of younger employees voiced concerns about the lack of PPE for staff, and the plaintiff suggested that the defendant delay reopening until adequate PPE could be provided. At this, the plaintiff’s boss allegedly became irate at her, but not at the younger employees who had complained as well. On May 1, the defendant’s office reopened and the plaintiff’s boss allegedly failed to practice any kind of infection control practices. On the morning of May 4, the plaintiff told her boss that she could not continue working for the defendant if he did not begin practicing infection control practices. Her boss allegedly responded by terminating the plaintiff’s employment. The plaintiff sued the defendant for wrongful termination in violation of public policy, alleging she was terminated for complaining about the defendant’s failure to comply with state regulations. The plaintiff also brought claims for age and gender discrimination, alleging that younger employees and male employees who also complained about the lack of PPE were not terminated.

The plaintiff was a dental hygienist for the defendant. The plaintiff alleges that around March 17, the dental office closed business operations due to the COVID-19 pandemic pursuant to a government mandate. The plaintiff alleges that sometime thereafter, the Ohio Department of Health announced that dental offices would be allowed to reopen on May 1 if the dental offices could follow COVID-19 protocols. The plaintiff alleges that the dental office “did not plan for or even consider infection control practices regarding COVID-19 when planning to reopen.” She claims the office “did not have PPE for staff . . . including masks (level 2, 3, or N95), face shields, fluid resistant gowns, hair coverings, and airborne particle filtration”; “did not plan to discuss the risk of contracting COVID-19 with patients”; “did not plan to pre-screen patients or staff for COVID-19 symptoms”; “refused to install a plexiglass shield at the reception desk to separate guests from staff”; “did not plan to take temperatures of staff or patients”; and “refused to provide PPE or implement the safety measures required by” the Ohio Department of Health. The plaintiff alleges that the owner held a meeting to discuss the reopening of the office on May 1, and that the staff voiced their concerns about the lack of safety measures to protect them from COVID-19. The owner told the staff if they wanted PPE, they could “purchase their own,” including rain ponchos, garbage bags or bathrobes. The plaintiff alleges that she complained to the owner regarding the lack of PPE and safety measures. According to the complaint, the owner refused to talk to the plaintiff about the COVID-19 issues, demanded her office keys, cancelled her medical insurance and
posted a job posting for a dental hygienist. Among other things, she claims wrongful discharge in violation of public policy.

October 16, 2020

Branch v. Fausone Bohn, LLP, et al. (Wayne County, Michigan)
The plaintiff was a claims developer for a law firm. She alleges that on March 23, the firm asked all employees to work from home, pursuant to the state’s order related to the COVID-19 pandemic. She claims that on June 2, the firm called employees back to work, but required them to wear masks. She alleges that she informed the defendant that she suffered from asthma, and that she was pregnant, which exacerbated her asthma. She claims that wearing a mask for an extended period of time also exacerbated her asthma, and that she provided the defendant with a doctor’s note concerning her medical conditions and requested to continue working from home. She alleges that on June 8, the office manager denied her request. According to the plaintiff, the office manager informed her that employees were only required to wear masks in common areas, and that the plaintiff could take her mask off in her cubicle, but the plaintiff claims that cubicles were not enclosed and were not six feet apart. She alleges that she had several phone conversations with the office manager during which the plaintiff suggested potential accommodations that would allow her to complete her work and avoid COVID-19 exposure, such as moving to an enclosed cubicle and a hybrid schedule of working from home and working from the office. She alleges that on June 12, she provided another doctor’s note to the office manager detailing that she was required to wear a mask in her cubicle but that a mask triggered her asthma attacks. She claims that the same day, the office manager called her and informed her that the firm was not willing to accommodate her and that she was therefore terminated. She brings causes of action for disability discrimination, pregnancy discrimination, intimidation, and retaliation.

Maria Duran and Jennifer Crouse v. West Maple Dental Specialists, P.C. (District of Nebraska)
Plaintiff Duran was the business manager for the defendant, and Plaintiff Crouse was an administrative assistant. In March 2020, Plaintiff Crouse returned from a vacation, and the defendant told her that she either had to be tested for the COVID-19 virus or quarantine for two weeks. Plaintiff Crouse alleges the defendant refused to pay for a test, and when she requested the defendant either pay for a test or pay sick leave during her quarantine period, the defendant terminated her employment. She sued the defendant under the EPSLA for its alleged failure to provide sick pay, and for terminating her in retaliation for her request for sick leave. Unrelated to Plaintiff Crouse’s COVID-19 claims, both plaintiffs were classified as nonexempt under the FLSA. The plaintiffs allege that during their employment with the defendant, they were regularly required to perform off-the-clock work, such as answering emails and phone calls, which put them beyond 40 hours per week, and for which they did not receive overtime pay. The plaintiffs sued the defendant under the FLSA for failure to pay overtime.

Frederick v. Allor Manufacturing, Inc. (Eastern District of Michigan)
Around April 2020, after learning that a coworker had been exposed to the COVID-19 virus, the plaintiff was advised by his doctor to self-quarantine because of the plaintiff’s age (57), and “his compromised pulmonary/respiratory health from cigarette smoking and previous bouts
of pneumonia.” The plaintiff provided his employer, the defendant, with two separate notes from his doctor with the advice that the plaintiff self-quarantine to avoid potential exposure to the COVID-19 virus from the co-worker who had been potentially infected. The plaintiff alleges he was terminated by the defendant shortly thereafter for “excessive absenteeism.” The plaintiff sued the defendant, alleging this reason is a pretext for disability discrimination in violation of state and federal law, and for failing to accommodate his disability in violation of the same.

**Gold v. International Intimates, Inc., et al.** (Southern District of New York)

The plaintiff, a salesman in the baby apparel division of a clothing company, alleges he was discriminated against and harassed “on the basis of his Jewish race and ethnicity,” and retaliated against in violation of Title VII, the New York Human Rights Law, and the New York City Human Rights Law. The plaintiff alleges he was “subjected to repeated acts of discrimination and harassment by members [of his employer’s] leadership team.” He claims he was subjected to unwelcome physical contact and the subject of lewd remarks. The plaintiff alleges that he repeatedly requested that such behavior cease, but that his supervisor instead called the plaintiff a “fake Jew,” “a derogatory term Sephardic Jewish people use to describe people … who are Ashkenazic Jewish.” The plaintiff alleges that in mid-March, his employer furloughed almost all of its employees, including the plaintiff, as a result of the COVID-19 pandemic. Around May 10, the plaintiff was “informed by fellow employees that [the plaintiff’s employer] had received a loan from the U.S. Government’s Paycheck Protection Program (‘PPP’).” The plaintiff alleges that he thought he would be returning to work “in light of [his employer’s] receipt of PPP funds, the fact that New York was slowly anticipating re-opening, and his sterling sales record over nearly two decades.” Instead, the plaintiff alleges that around May 15, he “received a phone call from [his supervisor] informing him that he had been terminated.” The plaintiff alleges that his employer “used the COVID-19 pandemic as pretext” for his termination.

**Kim v. Friends Tek, LLC** (Northern District of Georgia)

The plaintiff was a field technician for the defendant. He alleges that at the time he was interviewed for the position, the owner asked him if he suffered from any medical conditions and the plaintiff informed him of a prior open-heart surgery. He claims that on March 30, he experienced two unspecified symptoms associated with COVID-19, and that as a result, he cancelled his vacation and asked the owner for an additional week off in case he was positive for the virus. He alleges that in mid-April, he was still not comfortable returning to work because he was at high risk of complications from the virus, and that the defendant approved of the plaintiff being out until mid-May. The plaintiff alleges that during the first week of May, his coworker called him and informed him that the owner instructed him to tell the plaintiff that he was laid off due to his health issues. The plaintiff alleges that the following day, he went to speak to the owner in person and asked to return to work, but the owner said he was not allowed to return because of his medical issues. The plaintiff alleges that the defendant terminated him because of his disability, and brings one cause of action for violation of the ADA.

**Phillips v. Promise Care of Hudson County, et al.** (Hudson County, New Jersey)

The plaintiff brings claims for, among other things, wrongful discharge in
violation of public policy, and retaliation in violation of the EPSLA and EFMLA. The plaintiff alleges that around March 16, she “called out of work as she did not have childcare due to school closures in response to the [COVID-19] public health crisis.” The plaintiff claims that two days later, she took her son to the hospital, where he was diagnosed with a respiratory infection and instructed to quarantine for 14 days. The plaintiff alleges that she informed her employer that she needed time to care for her child during his quarantine, and that her employer approved her leave. The plaintiff alleges that once her son’s medical quarantine was over, she was unable to return to work because her son’s school remained closed. As such, her employer offered the plaintiff the opportunity to work from home, which the plaintiff accepted. The plaintiff claims that on April 29, she was instructed to prepare to return to the office. In response, the plaintiff requested to continue to work from home because “she could not return to work as she had childcare issues due to school closures.” The plaintiff’s director stated that she could not permit the plaintiff to continue to work from home “as it would violate HIPAA.” The plaintiff alleges that because she could not report to work, her employment was terminated. The plaintiff claims that “a determinative and/or motivating factor in [the plaintiff’s] discharge was” the plaintiff’s requested leave under the EPSLA and EFMLA.

**Roach v. Volunteers of America Delaware Valley, Inc., et al. (Camden County, New Jersey)**
The plaintiff, a program assistant, alleges disability discrimination and retaliation in violation of the New Jersey Law Against Discrimination and the FMLA. The plaintiff alleges that around March 19, she “woke up feeling ill in the morning and informed her supervisor … she would not be in for her 4:00 p.m. shift.” The plaintiff claims that she visited her primary care physician, who diagnosed her with pneumonia and provided the plaintiff with a doctor’s note excusing her from work until April 2. On March 27, the plaintiff was admitted to the hospital due to her illness. The plaintiff alleges that her physicians “were keeping her out of work until April 20.” The plaintiff claims that around April 9, human resources requested that the plaintiff take FMLA leave. Before her leave was approved, the plaintiff tested positive for COVID-19. The plaintiff alleges that she informed her supervisor that she would be providing another doctor’s note excluding her from work until May 8. The plaintiff alleges that on May 7, she received a letter from her employer that she exhausted her FMLA leave and that they “were no longer holding her position as she had no definitive return date.” The plaintiff claims that “a determinative and/or motivating factor in [the plaintiff’s] termination was her” disability or perceived disability and her use of FMLA benefits.

**Sottile v. Toyota of Scranton (Middle District of Pennsylvania)**
The plaintiff was a senior advisor consultant for a car dealership. He alleges that he is disabled with Type 1 diabetes, atrial defibrillation, and lymphedema, and that the defendant was aware of his disabilities because he parked in a handicapped spot and occasionally left work early to go to the doctor. He claims that in March 2020, the general manager announced that due to the COVID-19 pandemic, any employee who had a disability or medical condition could volunteer to be furloughed in order to limit their exposure to the public. The plaintiff alleges that the general manager stressed that the furlough would be temporary, and that anyone who volunteered would not be penalized. He claims that he spoke with his doctor, who suggested that he accept the furlough, because his medical
conditions put him at a higher risk for complications related to COVID-19. The plaintiff claims that he accepted the furlough, and per the defendant’s instructions, applied for unemployment compensation as a furloughed employee. The plaintiff claims that on June 5, the defendant’s human resources representative called him and informed him that the defendant was permanently terminating his employment. He claims that in total, the defendant furloughed 91 employees, and ultimately terminated 26 of them. He alleges that he and two other employees with disabilities were in the group of 26 who were terminated. He alleges that if it were not for his disabilities, he would not have been terminated. He brings causes of action for violation of the ADA and violation of the Pennsylvania Human Relations Act.

October 15, 2020
Leslie Jackson v. S I Group of Restaurants-4, LLC (Northern District of Georgia)
The plaintiff was an assistant manager at a restaurant. According to her complaint, the defendant was aware that the plaintiff “suffers from disabilities, specifically asthma and bronchitis.” She claims that due to her “disabilities, she is at high risk if she is exposed” to COVID-19, and that on July 7, she was informed that an employee had tested positive for COVID-19. The plaintiff alleges that she notified her manager that “she was considered high risk,” and sought permission to “bring Clorox in to disinfect the restaurant.” The plaintiff claims that she “advised that if she could not bring Clorox in, she could not work that shift.” The plaintiff alleges that she was terminated that day. The complaint does not allege the reason given for her termination, and the plaintiff brings suit for discrimination and retaliation in violation of the ADA.

Jimmy Tompkins v. K & U Properties Inc., et al. (Eastern District of Arkansas)
The plaintiff was an hourly maintenance worker. He claims that he “began manifesting many of the symptoms associated with COVID-19,” and provided the defendant with a doctor’s note stating that he should not work from June 1 to June 11. On June 11, he was “still experiencing COVID-19-like symptoms,” and his doctor gave him a note “excus[ing] his absence from June 11 until June 23.” The plaintiff claims he notified the defendant about the extension on June 11 or 12 and delivered the doctor’s note to the defendant on June 15. The plaintiff claims that when he provided the doctor’s note, the defendants “told him they had ‘turned in his resignation,’” and although the plaintiff stated he was not resigning, the defendant terminated him. The plaintiff alleges he was terminated in violation of the EPSLA. Unrelated to the plaintiff’s COVID-19 allegations, he also brings claims for violations of the FLSA and the Arkansas Minimum Wage Act, alleging that despite working between 50 and 60 hours per week, the defendant “regularly shaved” his time so that he was “only paid for forty hours or around forty hours per week.”

Nik Boulton and Christopher Baer v. D&C Beckley, Inc. (McCracken County, Kentucky)
The plaintiffs were managers of separate locations of vape shops owned by the defendant. In March, the governor of Kentucky issued a series of executive orders requiring non-essential businesses to close their doors to public traffic due to the COVID-19 pandemic. However, non-essential businesses, such as the ones the plaintiffs managed, were permitted to operate delivery and curbside services. In compliance with the orders, the
plaintiffs closed their stores, but continued to offer curbside service. On March 24, the defendant’s general manager allegedly told the plaintiffs they would have to open their stores to in-person shopping, and the plaintiffs responded they would not violate the governor’s order or risk the health and safety of their employees. After the plaintiffs refused to open their stores to in-person shopping, both were terminated by the defendant. The plaintiffs sued the defendant, alleging wrongful termination in violation of public policy for their refusal to disobey the governor’s orders.

_Cooksey v. Alliance Bank_ (Eastern District of Missouri)
The plaintiff, a bank employee, alleges that while attending her mother’s funeral she came into close contact with an individual who tested positive for COVID-19 and began to experience symptoms associated with COVID-19. As a result, the plaintiff contacted her supervisors to inform them that she had been exposed to COVID-19 and would not be at work because she had planned on scheduling a testing appointment. Her test was delayed because all nearby rapid testing sites were fully booked. The plaintiff alleges that she notified her supervisors about the testing delay, and that she notified them when she took a COVID-19 test. The plaintiff also claims that she communicated to her supervisors on a daily basis that she was still waiting for her results. While the plaintiff awaited her COVID-19 test results, she continued to fell unwell, and the clinic where she took her test asked her to return for further evaluation. Although the plaintiff did receive a negative test result, after being evaluated for additional COVID-19 symptoms, the clinic had the plaintiff take an additional COVID-19 test and provided her with a “Return To Work” form recommending that she remain quarantined until further notice. The plaintiff sent this information to her supervisors and communicated daily with her supervisors while awaiting results for her second test, which came back negative. Upon returning to work, the plaintiff alleges she was chastised for not checking in and not returning to work. On July 27 the plaintiff was put on probation, and on July 28 the plaintiff’s employment was terminated. The plaintiff filed a two-count complaint alleging that her termination during the COVID-19 pandemic violated the FFCRA, and that she suffered an adverse employment action while engaging in “statutorily protected conduct under the FLSA.”

_Kristal Modlin v. Synergy Specialists Medical Group Inc., et al._ (San Diego County, California)
The plaintiff, a front desk representative, claims that her employer failed to engage in the interactive process after she had an anxiety attack at work while wearing a mask and wrongfully terminated her under state law. Specifically, the plaintiff alleges that she began experiencing difficulty breathing while wearing a mask to protect her against COVID-19 and that the office manager told her to go to an unoccupied exam room to calm down. The plaintiff further alleges that the clinic supervisor came into the exam room and yelled at her to “[d]o your f---ing job!” The plaintiff alleges that after she told her supervisor that she needed a few minutes, she was fired. The plaintiff claims that the motivating factor in her termination was the combination of her request to have a few minutes to calm down and the supervisor’s perception that she was disabled.

_Suarez v. Seacoast Uniforms_ (Middle District of Florida)
The plaintiff began to experience symptoms of COVID-19 on or about May 25. She informed her employer of the symptoms and proceeded to miss three consecutive days of work. Still feeling ill, the plaintiff informed
the defendant that it was in her and the defendant's "best interest...that she not return until she is better." The plaintiff alleges that on May 28, the defendant informed her she "was unreliable," and terminated her employment. The plaintiff sued the defendant for allegedly not affording her the benefits she was entitled to under the FFCRA.

October 14, 2020
Sanchez v. Magnussen Home Furnishings, Inc., et al. (San Bernardino County, California)
The plaintiff, a former outbound coordinator for a home furnishings wholesaler, filed a complaint against her employer for wrongful termination and violations of state anti-discrimination laws. The plaintiff alleges that she was diagnosed with COVID-19 and placed on medical leave. The plaintiff claims that she submitted to her employer a return to work certification from her medical provider, but that her employer rejected the certification and required her to retest for COVID-19. The plaintiff alleges that her medical provider was unable to provide a prompt retesting for the virus and that her employer wrongfully terminated her employment. The plaintiff brings suit for disability discrimination, failure to accommodate, failure to engage in the interactive process, interference with leave, and retaliation in violation of the California Fair Employment and Housing Act. The plaintiff seeks injunctive relief and an unspecified award of compensatory damages, exemplary damages, interest, attorneys' fees and costs.

Banegas v. Riverside Medical Clinic, Inc. (Riverside County, California)
The defendant employed the plaintiff as an X-Ray technician. The plaintiff went on disability leave in or around March 2020, allegedly providing the defendant all the medical documentation for the unpaid leave. The plaintiff claims that he contracted COVID-19 while on leave, underwent the government-mandated 14-day quarantine, and notified the defendant of his need for further unpaid leave. On July 1, the defendant terminated the plaintiff purportedly because he took too many days off work. The plaintiff alleges that he could have performed the essential functions of his job if provided a reasonable accommodation, such as additional unpaid leave. The plaintiff claims that this amounts to wrongful termination in violation of public policy, disability discrimination, failure to engage in the interactive process and provide a reasonable accommodation, and retaliation for requesting an accommodation. Furthermore, the plaintiff alleges that he requested his employee file and pay records, which the defendant failed to provide. The plaintiff thus asserts a cause of action for failure to provide access to his pay records.

Brothers v. PetSmart, Inc. (Eastern District of Michigan)
The plaintiff, an assistant store manager, filed a two-count complaint against the defendant alleging that he was terminated in violation of Michigan’s whistleblower protection act and in violation of public policy during the COVID-19 pandemic. According to the plaintiff, in July 2020, the governor of Michigan issued an executive order requiring businesses to refuse entry to any individual not wearing a face covering. After the plaintiff observed an individual entering the store without a face covering, the plaintiff called the local police because the plaintiff believed that allowing the individual to remain in the store violated the governor’s executive order. The police removed the individual, who was also carrying a firearm, without incident. The plaintiff subsequently informed his supervisors what had happened. Although neither of the supervisors
reprimanded the plaintiff at the time, two days later the plaintiff was
terminated due to his “unwillingness to adhere to the company guidelines
and policy.” According to the plaintiff, no specific guideline or policy was
cited, and the person who terminated him remarked that “I know you feel
very strongly in your convictions with this,” referring to the plaintiff’s belief
that both businesses and individuals should comply with the executive
order. The plaintiff claims his termination was in retaliation for his refusal
to allow the individual to remain in the store in violation of the executive
order, and for calling the police to report a violation or suspected violation of
law.

*Deaton v. The Red Dog Salon, Inc.* (Clermont County, Ohio)
The plaintiff, employed as a dog bather, alleges she was terminated in
violation of public policy and in violation of the Ohio Whistleblower
Statute. The plaintiff alleges that on March 23, the dog salon where the
plaintiff worked was required to close as a result of the governor’s
stay-at-home order to prevent the spread of COVID-19. The plaintiff
alleges that her supervisors were anticipating reopening on May 1, and
that on April 14, the plaintiff’s supervisor asked if the plaintiff was ready to
return to work. The plaintiff “responded by voicing her concern about
returning and potentially being reported” if the salon opened in defiance of
the stay-at-home order. The supervisor allegedly responded by saying
that she “found a loophole” that would allow the salon to reopen early. On
April 21, the plaintiff’s supervisor instructed the plaintiff to return to work
on April 27. The plaintiff responded by stating that the stay-at-home order
had not been lifted, and that reopening would be in violation of the order.
On April 26, the plaintiff informed her supervisor that she would not be
returning to work. The plaintiff alleges that her supervisor informed her
that “she was planning on moving forward without [the plaintiff] as an
employee,” thus the plaintiff believed this to mean her employment was
terminated. The plaintiff claims that she “was reporting unethical and/or
illegal behavior,” and that her employer “retaliated against” her for
reporting the misconduct by terminating the plaintiff’s employment.

*Leek v. SSC Newport Beach Operating Company, LLC, et al.* (Orange
County, California)
The plaintiff was employed as a nurse at one of the defendant’s
healthcare centers. She asserts that her doctor placed her on a two-week
medical leave because she tested positive for COVID-19. At the end of
the plaintiff’s leave, she contends that the defendant’s administrator
remarked, “I will not have [COVID-19] brought into my building.” The
plaintiff claims the defendant put several obstacles in her way, but that
she dealt with them successfully. She also claims to have reported that
some of the conduct to which she was being subjected was unlawful.
When the plaintiff returned to work, the defendant allegedly treated her
worse than employees who had not contracted COVID-19, including by
requiring the plaintiff to wear two masks and by denying her requests for
additional shifts and overtime. The defendant terminated the plaintiff’s
employment three weeks after she returned from leave, allegedly for
being late to a shift. The plaintiff sued, asserting, among other claims, that
the defendant discriminated against her because of her disability
(COVID-19), retaliated against her for taking a medical leave and for
protesting allegedly unlawful conduct, and invaded her privacy by
publishing the plaintiff’s private medical information (her COVID-positive
status) to her co-workers.

*McGarvey v. CarePartners Management Group, LLC* (Spokane County,
The plaintiff was a practical nurse and nurse manager at an assisted living facility. She alleges that she is immunocompromised, and that prior to the COVID-19 pandemic she had been working from home intermittently for months. She also alleges that she received a raise and praise for her work performance in February 2020. She claims that when the COVID-19 pandemic occurred, she informed the facility director that she was at high risk of contracting severe complications from COVID-19, and sent him a note from her doctor stating that she was high risk and “pulling [her] out of [work].” The plaintiff claims that four days later, she received a letter from the vice president of operations informing her that her employment was terminated, justifying the termination based on a write-up that the plaintiff received over one year prior, and falsely claiming that the plaintiff had been verbally counseled due to her inability to arrive to work on time. The plaintiff alleges that the defendant’s letter mentions that the company was unable to accommodate her disability, but the plaintiff claims this is false because she could perform the essential functions of her position from home and had been doing so on an intermittent basis for months. She brings causes of action for discrimination, failure to accommodate, and retaliation.

Torres v. Renaissance Wigs LLC (Passaic County, New Jersey)
The plaintiff worked as a shipping manager for the defendant. In March 2020, the plaintiff told the defendant’s owner that she was pregnant. On March 9, the governor of New Jersey issued Executive Order 103, declaring a state of emergency due to COVID-19. On March 15, the plaintiff stopped going to work, as directed by her doctor. On March 21, the governor issued another executive order, closing all non-essential businesses. The plaintiff claims that the defendant is not an essential business. Nevertheless, the plaintiff alleges that the defendant informed the plaintiff that it would open again on April 20 and asked her if she would be returning to work. The plaintiff claims to have responded that, per her doctor’s orders, she would not be returning to work due to the risks COVID-19 posed to her health and pregnancy. The plaintiff further claims that on or about July 29, she informed the defendant that she had an upcoming doctor’s appointment and would let the defendant know whether she would be able to return to work. The defendant allegedly responded that the plaintiff had already been terminated, stating, “we don’t have enough work to hire you back, and we legally held your position for 12 weeks.” The plaintiff claims that the defendant advertised her position and hired a woman who was not pregnant to replace her. The plaintiff brings claims of pregnancy discrimination and wrongful termination in violation of the New Jersey Law Against Discrimination.

October 13, 2020
Maria Bernabe v. Merakey Allos et al (San Diego County, California)
The plaintiff, a program administrator, claims several violations of state law for wrongful termination after she attempted to exercise her right to miss work due to her daughter’s school closure caused by the COVID-19 pandemic. The plaintiff also alleges that her employer misclassified her position as exempt and therefore failed to pay her overtime wages. Specifically, the plaintiff alleges that at the time she was hired, she informed her employer that her daughter suffered from a disability and that she was solely responsible for her daughter’s care. The plaintiff further claims that when she requested to work remotely because her daughter’s school closed due to the pandemic, her employer replied that
with current circumstances and the nature of our services, we are not able to permit employees to work from home as our DSPs and Admin staff are both need for support in our homes.” The plaintiff stated that she was terminated three days later for her “poorly [written] incident reports,” despite the fact that she never received training on how to write incident reports. The plaintiff sued her former employer for retaliation, disability disability-based association discrimination, gender discrimination and wrongful termination under state law. Unrelated to her COVID-19 claims, the plaintiff further alleges that she typically worked over 50 hours per week, without including work on the weekends, and that the substantial majority, if not all, of her duties were not-exempt duties and that she was not compensated for the overtime hours.

_Miguel Angel Pena v. Hialeah Motel, Inc._ (Miami Dade County, Florida) The plaintiff, a maintenance worker, claims violations under the FFCRA stemming from his employer’s denial of paid sick leave under the act, and for his subsequent termination. The plaintiff alleges that he informed his employer that he was experiencing COVID-19 symptoms, and requested paid leave in order to seek a diagnosis, which his employer denied. The plaintiff further alleges that after he received a negative test result and returned to work, he was terminated two days later. Although the complaint does not allege the employer’s reason for his termination, the plaintiff claims he was terminated because he requested leave under the FFCRA.

_Paul Pizzirulli v. Storer Transportation Service, et al._ (Stanislaus County, California) The 64-year-old plaintiff worked as a charter bus driver for the defendants. He worked full-time for approximately one year and part-time for about six years. In March 2020, the plaintiff’s hours were reduced, and rumors circulated about potential layoffs. The plaintiff spoke with his supervisor, who advised that a layoff would last only a month or so and that he would be one of the employees to face layoff. The plaintiff was told by another company agent that the plaintiff would be on temporary layoff until future notice. In late May or early June, the plaintiff spoke with a human resources representative and was advised that the plaintiff would be permanently laid off. The complaint alleges that the defendant “assert[ed] that [the plaintiff] could not be brought back due to COVID-19.” Thereafter, the plaintiff heard that the defendant had brought back other drivers who had been laid off temporarily, and he noticed an uptick of the defendant’s busses in his community. The plaintiff observed that drivers were young, and that some appeared to be new hires. The plaintiff also learned that only approximately three other employees were permanently laid off, and that these other employees were about the same age as the plaintiff. According to the plaintiff, he and these other laid-off drivers generally had more experience that the defendant’s other drivers. The plaintiff claims that the defendant was advertising and recruiting new drivers when his position was being eliminated. The plaintiff alleges age discrimination and wrongful termination in violation of California law and public policy.

_Varindra Lallharry v. World Class Auto Repair Center LLC, et al._ (Southern District of Florida) The plaintiff alleges that the defendants, an automobile repair center and its individual owner, violated the FMLA and the FFCRA. Specifically, the plaintiff alleges that, in June 2020, one of his coworkers started to feel ill. The week before July 4, another coworker felt ill with the same
symptoms. Both tested positive for COVID-19, according to the plaintiff, “likely because Defendants’ employees were not provided any protection.” The plaintiff says that he then started to feel ill with the same symptoms, “likely contracted from his coworkers,” yet his employer still wanted him to work. The plaintiff resisted and, after a positive test, quarantined. On Aug. 3, the plaintiff was instructed to drop off his uniform, despite being on quarantine following a positive test. On Aug. 3, the plaintiff advised his employer of the recovery process for him and his wife, who also tested positive. According to the defendants, they had not heard from the plaintiff for weeks, and thus that the plaintiff abandoned his job, causing the termination of his employment. The plaintiff claims FFCRA interference and retaliation, as well as entitlement to FFCRA benefits.

Danielle Gudoski v. Summit Medical Group, P.A., et al. (Morris County, Pennsylvania)
The plaintiff, a mammography technologist, claims violations under New Jersey’s Conscientious Employee Protection Act and Law Against Discrimination related to her employer’s refusal to reinstate her employment following a furlough. The plaintiff alleges that her employer furloughed her and other positions in March 2020 due to the COVID-19 pandemic. Prior to her furlough, the plaintiff reported concerns of age discrimination in response to management’s statement that “since she [was] older, they [were] letting a less senior, lesser qualified technician” work a steady shift. The plaintiff also alleges that she expressed concerns that the patients’ health and safety were being jeopardized because her employer was running short-staffed at many of the facilities, and were “utilizing anyone they could to perform x-rays.” The plaintiff claims that she was the only person in her position who was not reinstated from the furlough. The plaintiff further claims that her employer’s stated reason for her termination was because she expressed that she would not perform x-rays without updated training, despite the fact that “many people at different locations were working without performing x-rays (in similar roles).”

October 9, 2020
Jones, et al. v. Pure Enterprises, Inc., et al. (Riverside County, California)
The plaintiffs, three former employees of a retailer, filed a complaint against their employer and one of its supervisors alleging wrongful termination, constructive discharge, whistleblower retaliation, failure to provide paid sick leave under the FFCRA, and violation of state wage and hour laws. The plaintiffs allege that the defendants required them to work during the state-ordered COVID-19 shutdown, although the retailer was a non-essential business. The plaintiffs allege that each of them was required to work off-the-clock, was denied meal and rest breaks, and was denied paid sick leave under the FFCRA. The plaintiffs claim that in response to their complaints about working in violation of the state shutdown order and about the retailer’s labor law violations, one plaintiff was terminated and the other two constructively discharged. The plaintiffs seek an unspecified award of statutory damages, punitive damages and pre-judgment interest.

Adelaide El Zein v. McIlrath & Eck, et al. (Snohomish County, Washington)
The plaintiff is a financial advisor. When Washington’s governor issued a stay at home order in response to the COVID-19 pandemic, the defendant’s individual owner was out of town, and employees began
working remotely. The plaintiff asserts that she was not an essential worker, and the defendant was not an essential business under the governor's order. The plaintiff conducted her meetings “via Zoom online conferencing and by telephone,” and alleges that the remote systems were sufficient for her needs and the needs of her clients, some of whom “expressed to her that they preferred the remote meeting options.” The plaintiff claims that when the defendant’s owner returned from international travel (after allegedly having possibly contracted COVID-19), he “pressured employees to return to the office,” and the plaintiff did so, claiming that “[w]hen she reported to the office she closed her office door and continued to meet with clients online and by telephone.” The plaintiff alleges that on May 20, the defendant told her “that the pandemic was a hoax,” that the governor was “an idiot,” that he “did not care about the shutdown, and “that anyone who did not want to meet with a client in person no longer had a job.” The plaintiff also alleges that the defendant directed the plaintiff to meet with a client in person, but she “stood her ground” and refused. According to the complaint, the next day, the plaintiff was terminated. The plaintiff alleges her termination was in violation of public policy. Ostensibly unrelated to her COVID-19 allegations, the plaintiff also brings claims for alleged discrimination and a purported hostile work environment based on gender, race and religion, in violation of Washington’s Law Against Discrimination.

Bowden v. Savala Equipment Co., Inc. (Riverside County, California)
The plaintiff, a 55-year-old male who suffers from COPD, filed a seven-count complaint in connection with his termination. The plaintiff’s COPD places him in the high-risk category for contracting COVID-19, yet the plaintiff’s job required him to be in three counties which had exceedingly high COVID-19 numbers. The complaint alleges that the plaintiff’s employer failed to comply with the CDC and California state guidelines for maintaining a safe workplace in the midst of the pandemic. As a result of his concerns, the plaintiff asked his supervisor how the defendant was going to address the COVID-19 situation. The plaintiff alleges that he told the defendant that he needed to stay home pursuant to COVID-19 safety guidelines, and that the defendant retaliated. The plaintiff claims that after he notified the defendant that he would return to work, the defendant told the plaintiff they had interviewed another person to permanently replace him. According to the plaintiff, his termination happened just a few weeks before the plaintiff would have been able to draw from his pension, and that he was “persuaded into leaving behind a 401k with significant employer contributions.” The plaintiff alleges the defendant discriminated against him because of his need for an accommodation due to the COVID-19 pandemic, that the defendant acted intentionally to harm the plaintiff, and that the defendant unlawfully terminated his employment.

Brianna Carroll v. Belmont Park Entertainment LLC, et al. (Southern District of California)
The plaintiff, a director of event sales, claims violations under Title VII and state law for pregnancy discrimination, failure to prevent discrimination, wrongful termination, and infliction of emotional distress based on the termination of her employment. The plaintiff alleges that after she informed her employer that she was pregnant in January 2020, the general manager made various comments about her pregnancy, including that “he was going to stop hiring women because they are all getting pregnant.” The plaintiff also alleges that the general manager asked her
to take maternity leave early, because he did not want to have to “keep [her] on payroll.” The plaintiff claims that in March 2020, her employer furloughed the plaintiff’s department due to the COVID-19 pandemic. The plaintiff further claims that after her employer secured a PPP loan, all other employees in her department, except her, were called back to work. The plaintiff alleges that the general manager informed her that she was being terminated due to her employer’s decision to dissolve her department. The plaintiff claims that because no other employees in her department were terminated, her employer used the “guise of COVID-19” as the basis for her termination.

**Guy v. Century Bakery** (Cumberland County, New Jersey)
The plaintiff worked for the defendant, which shut down in March 2020 due to the COVID-19 pandemic. On April 30, in preparation for reopening on a limited basis, a member of the defendant’s management emailed the employees and shared the defendant’s protocols for working during the COVID-19 pandemic, including social distancing, and wearing masks and gloves. The plaintiff responded to this email asking whether the defendant would be providing masks for employees. The next week, a member of the defendant’s management responded saying that masks would be provided. The plaintiff returned to work in mid-May. On her first day back, she was not provided a mask – although she brought her own – and she observed her co-workers ignoring social distancing and mask requirements. Due to a lack of customer traffic, the plaintiff was told that she could go home that day and that she would not be needed the next two days she was scheduled to work. The plaintiff later texted her manager to ask why there was no mask provided for her at work and to complain that her co-workers were neither social distancing nor properly wearing masks. The plaintiff returned to work for one additional shift, where she again observed co-workers allegedly ignoring social distancing and mask requirements. On or about June 6, the plaintiff was terminated. Her manager allegedly told the plaintiff that she was being terminated because she had “left early a few times,” and her manager allegedly ignored the plaintiff’s protestations that she had been told to leave early due to lack of customers. The plaintiff sued the defendant for an alleged violation of the New Jersey Conscientious Employee Protection Act by terminating her in retaliation for complaining about the defendant’s alleged lack of enforcement of COVID-19 safety protocols.

**Rizzo v. Springdale Automotive, LLC** (Western District of Kentucky)
The plaintiff managed six of the defendant’s locations. On April 2, the plaintiff was forced to quarantine for 14 days after coming into close contact with someone who had tested positive for COVID-19. The defendant’s owners were allegedly not pleased about the plaintiff’s quarantine, and subsequently referred to the plaintiff as a “dud.” Upon his return from quarantine, the plaintiff alleges he attempted to comply with the Kentucky governor’s COVID-19 orders regarding sanitation and social distancing, but the defendant’s owners were resistant, refusing to supply sanitation supplies for employees. Around May 11, the plaintiff’s son – who suffers from reactive airway disease making the virus a bigger threat to him – fell ill and had to be taken to the emergency room. The defendant’s owners allegedly showed no concern for the plaintiff’s son, and only wondered whether this meant the plaintiff would have to quarantine again. The plaintiff’s son was admitted to the hospital and had to remain in isolation until the results of his COVID-19 test were received. The plaintiff then learned that his son would have to quarantine for three
months due to his high-risk status. The plaintiff alleges that after the defendant’s owners learned that the plaintiff would have to quarantine with his son, they “drastically reduced” his pay, despite having just been approved for a PPP assistance loan and giving raises to other employees. The plaintiff applied for and was approved for FMLA and FFCRA leave and benefits. However, before the day before the plaintiff was scheduled to return to work, the defendant terminated the plaintiff, saying they were terminating the position. The plaintiff sued the defendant, alleging retaliation for his exercise of his FFCRA and FMLA rights.

Robles v. DG3 North America, Inc., et al. (Essex County, New Jersey)
The plaintiff alleges disability discrimination and retaliation in violation of the New Jersey Law Against Discrimination (NJLAD). The plaintiff alleges that around March 30, she informed her supervisor that “she was not feeling well due to fever and that she would be working from home on a company issued laptop.” The plaintiff claims that she later visited her physician, who instructed her to quarantine for 14 days and allegedly faxed a note to her employer indicating that the plaintiff was to quarantine for 14 days. During the quarantine period, the plaintiff alleges that she continued to work from home without issue. The plaintiff alleges that on the day that her 14-day quarantine was to end, her supervisor called the plaintiff and said, “[t]hey don’t need you and are letting you go,” without further explanation. The plaintiff claims that by requesting leave to quarantine, she was considered disabled and had engaged in a protected activity under the NJLAD. The plaintiff alleges that her disability or perceived disability, along with her protected activity, were motivating factors for her termination.

Samuel v. JB Hunt Transport, Inc. (Hudson County, New Jersey)
The plaintiff, a truck driver, alleges he was terminated in violation of the New Jersey Conscientious Employee Protection Act (CEPA). The plaintiff alleges that the New Jersey governor issued an executive order in April, requiring businesses in the trucking industry to implement several COVID-19 related measures, including requiring workers and customers to wear face coverings. The plaintiff claims that his supervisor informed the fleet of drivers that they would all be receiving sanitizing wipes, but that “the drivers were provided an insufficient amount.” The plaintiff alleges that he began to complain “to members of upper management” about drivers not being provided adequate PPE or wearing masks and that he further complained about being forced to work around other drivers who had symptoms of COVID-19. The plaintiff claims that his “complaints about the health and safety of workers was ignored.” In June, the plaintiff was involved in a work-related accident that he claims was not his fault but that his employer determined was “preventable.” A few days later, he was terminated allegedly “in retaliation for the complaints he made about health and safety issues in violation of the [CEPA].”

October 8, 2020

Meza v. SoCal Empowered, LLC, et al. (Orange County, California)
The plaintiff, a behavioral healthcare technician, contends that the defendants had a laissez faire attitude about the pandemic and the safety and wellbeing of their staff and patients. She contends that on July 3, there was a colleague in the workplace who exhibited flu-like symptoms and was not sent home or instructed to quarantine. The plaintiff claims that she experienced similar symptoms soon thereafter, although she did
not contract the virus as a result of this incident. She alleges that on July 13 the defendants began to take minor remedial measures, including testing all staff members. However, the plaintiff alleges this was a one-time-only event. The plaintiff alleges that she and a co-worker were “quite vocal” about the inadequacy of the defendants’ actions in relation to COVID-19, and that she and the co-worker called for sanitizing the entire facility. The plaintiff claims that on July 15 and 16, the defendants held two conversations with her which centered on how she was a bad employee because she was voicing concern about the safety of staff and patients. In her 14-count complaint, the plaintiff asserts claims for race and disability discrimination; harassment based upon her race, medical condition, disability and protected activities; retaliation; failure to prevent discrimination; and constructive termination. Unrelated to her COVID-19 claims, the plaintiff also seeks relief for alleged failure to pay minimum wage; failure to pay for all hours worked; failure to pay overtime; failure to provide meal and rest periods; failure to provide accurate wage statements; failure to timely pay final wages; and unfair competition.

Brown, et al., v. Hooters of America, LLC, et al. (Campbell County, Kentucky)
The plaintiffs, a former bartender and manager at several of the defendants’ restaurant locations, allege that the defendant wrongfully terminated them and wrongfully failed to rehire them on the basis of their age. In the spring of 2020, the plaintiffs allege that the defendants laid off their entire workforce, including the plaintiffs, due to the COVID-19 pandemic. By the summer, the plaintiffs allege that the defendants began to recall certain servers and bartenders, however the plaintiffs were not recalled. Instead, the plaintiffs allege that they were required to re-apply for their positions, and that younger individuals were either rehired or recalled to work, but the plaintiffs were not rehired. Although the plaintiffs did not specify their ages in the complaint, they did note that both had worked for the defendants for many years. Based upon the defendants’ failure to rehire them, the plaintiffs allege that the defendants discriminated against them on the basis of their ages.

Buchanan v. Erop, LLC, et al. (Butler County, Ohio)
The plaintiff, a sales representative, alleges he was terminated in violation of public policy and in violation of the Ohio Whistleblower’s Statute. The plaintiff claims that around April 4, he took off from work because he was concerned he may have contracted COVID-19. When he informed his supervisors that he was ill, the plaintiff also informed his supervisors that the car wash should not be considered an “essential business” under the Ohio governor’s stay-at-home order. The plaintiff alleges that around the same time, he complained “about the lack of personal protective equipment (‘PPE’) provided by the company, the inconsistent sanitization of the building, and the close interactions with customers ignoring the six-foot physical distancing guidelines.” The plaintiff claims that his supervisor did not address his concerns, and started ignoring his messages. The plaintiff alleges that in mid-April, the plaintiff “contacted the Clermont County Health Department and reported [his employer] for failure to complete the COVID-19 business requirements (e.g. sanitizing surfaces consistently and providing PPE to employees).” The plaintiff alleges that at the end of the month, his employment was terminated for “unprofessional conduct.” The plaintiff claims that the given reason for his termination was pretextual, and that he was actually fired “in retaliation against his protected whistleblowing and workplace safety complaints.”
Geer-Frazier v. Northcentral Technical College, et al. (Western District of Wisconsin)
The plaintiff was an adjunct professor. She alleges that she is chronically ill and has been diagnosed with fibromyalgia, lupus, Lyme Disease, MTHFR, and several other autoimmune diseases, and that she has been struggling with sinus issues for thirty years. She alleges that she has trouble breathing through a mask, and the chemicals in hand sanitizers would severely affect her immune system including causing rashes on her skin. On July 29, she went to the college campus and a security guard attempted to hand her a mask, pursuant to the defendant’s policy requiring all campus visitors, staff, and students to wear masks and use hand sanitizer while on campus as a result of the COVID-19 pandemic. She claims that she informed the guard that she was mask-exempt and walked into the classroom, but the guard followed her into the room and told her that she had to use hand sanitizer and wear a mask or leave the building. She claims that she left voluntarily, and when she got home immediately called the defendant’s director of workforce training and professional development to recount the experience. She alleges that the director informed her that she might be able to teach her class remotely and promised to get back to her. She claims that the following day, the vice president of learning left her a voicemail informing her that she was terminated because of her inability to comply with the college’s rules requiring masks and the use of hand sanitizer. She brings causes of action for violation of the ADA, violation of the Wisconsin Fair Employment Act, and wrongful termination.

Turman v. Petsmart, Inc. (Riverside County, California)
The 49-year-old plaintiff worked as a dog trainer for the defendant. The plaintiff suffered from arthritis in her knee, which required accommodation by the defendant. In April 2020, the defendant furloughed the plaintiff and several other employees due to a shutdown order necessitated by the COVID-19 pandemic. By July, the defendant began gradually reopening its operations. The plaintiff learned that the defendant had brought back a younger, non-disabled dog trainer with less seniority, while the plaintiff remained on furlough. The plaintiff called her manager and requested to return to work, but her manager allegedly told her that COVID-19 was posing challenges to reopening and that she was not sure when the plaintiff would be brought back to work. The plaintiff alleges she was not comfortable confronting the manager with the fact that she knew the other younger and non-disabled dog trainer had been brought back to work. The plaintiff later learned that her manager had thrown away her belongings and her dog trainer business cards at the store. In addition, the plaintiff learned that the defendant was actively seeking to hire new dog trainers. On Aug. 11, the plaintiff again called her manager and requested to return to work. Her manager responded that the plaintiff would not be brought back from furlough, and that she was not sure when new positions would open up. The plaintiff sued the defendant, alleging that the defendant had used the COVID-19 pandemic as a pretext to replace the plaintiff with a younger, non-disabled dog trainer, in violation of California state law.

October 7, 2020
Lobato v. County of Yolo, et al. (Yolo County, California)
The plaintiff, an administration clerk for the county, filed a five-count complaint against the defendants claiming that she was retaliated against in violation of the FFCRA and California public policy and that she was
subjected to disability discrimination and retaliation in violation of the California Fair Employment and Housing Act. According to the plaintiff, after she lost her childcare due to the COVID-19 pandemic and the resulting shelter-in-place order, she was forced to take leave to care for her 4-year-old child. When the plaintiff attempted to return to work, the defendant retaliated against her by cutting off her remote access, which left her unable to work. When the plaintiff contacted her manager to complain about the loss of her remote access, the plaintiff’s manager told her to remain on leave. The plaintiff then contacted her union, which contacted HR, which resulted in the plaintiff’s transfer to the position of “Disaster Service Worker” at a food bank and the extension of her probationary period, which the plaintiff claims also was retaliatory. After the plaintiff had worked at the food bank for approximately three weeks, the plaintiff informed her manager that she needed to take time off from work to see her medical provider for an ultrasound relating to her medical condition. Four days later, the plaintiff’s employment was terminated. The plaintiff claims she was terminated because she took medical leave, and because she exercised her rights under FEHA and the FFCRA.

**Dorsey v. Vitro Autoglass, LLC, et al.** (Western District of Pennsylvania)
The plaintiff, a temporary worker for a manufacturer, filed a complaint against the manufacturer and the plaintiff’s staffing agencies for violation of the ADA. The plaintiff alleges that the defendants, operating as joint employers, refused to allow him to work without a face mask for COVID-19, despite his disabilities of Chronic Obstructive Pulmonary Disease, Sarcoidosis and anxiety disorder. The plaintiff further claims that defendants did not accommodate his disabilities or engage him in an interactive process under the ADA. The plaintiff claims he suffered disability discrimination and retaliation, and that his employment was terminated or constructively terminated in violation of the ADA. The plaintiff seeks injunctive relief, an unspecified award of compensatory damages, punitive and liquidated damages, emotional distress damages, an award of attorneys’ fees and costs.

**James v. Brew Enterprises, LLC, et al.** (Buena Vista County, Iowa)
The plaintiff managed one of the defendant’s coffee shops, which employed several teenagers. One evening, the plaintiff sought emergency medical treatment for shortness of breath, abdominal pain, and headache. According to the plaintiff, the hospital tested her for COVID-19 because her symptoms were consistent with having the virus, and required her to wear a mask. While the plaintiff was at the hospital, she took a photograph of herself wearing the mask, and then posted the picture on social media, captioning it, “At the ER getting tested for the virus as I am in pain.” The hospital subsequently informed the plaintiff that the source of her pain was gallstones and that she needed gallbladder surgery, but that she should quarantine until she received her COVID-19 test results. While the plaintiff was quarantining, she asserts that the defendant informed her that her social media post upset the parents of certain teenage employees and they would not let their children come to work. The next day, the plaintiff received negative test results for COVID-19 and notified the defendant. She alleges that the defendant then fired her for sharing information about receiving a COVID-19 test with a minor (i.e., posting on social media). The plaintiff’s complaint alleges, among other things, perceived disability discrimination and wrongful termination in violation of public policy. The plaintiff asserts that firing an employee who reports to coworkers that she received a COVID-19 test undermines the state’s
public policy of taking necessary steps to limit the spread of COVID-19, including quarantining persons who “have been exposed to those known or suspected [of having] the disease.”

Kwon v. Gold Coast Sports Cars, LLC, et al. (Eastern District of New York)
The plaintiff, a Korean-American car salesman, alleges, among other things, unlawful retaliation and race and sex discrimination. Around March 20, the plaintiff alleges that New York’s governor issued an executive order “requiring all non-essential businesses to reduce their in-person workforce by 100%.” Although auto sales was not considered essential, the executive order allowed auto sales “to resume under strict rules, including showing cars only by appointment.” The plaintiff alleges that his employer “ordered its sales representatives, including Plaintiff, all non-essential workers, to return to the showroom under conditions that failed to comply with the Governor’s promulgated rules” by (1) allowing customers to enter the showroom without appointments; (2) failing to institute social distancing; (3) failing to require face coverings; (4) failing to disinfect the workplace; and (5) failing to rope off the showroom floor. The plaintiff claims that he expressed to the owner “his concerns for his and the general public’s health in light of Defendants’ failure to comply with the Governor’s showroom rules.” The owner stated that the plaintiff would be replaced if he refused to work from the showroom. The plaintiff alleges that the following week, the owner terminated the plaintiff’s employment, asserting a need to reduce the sales team. The plaintiff alleges that the real reason he was terminated was “for his reporting and objecting to Defendants’ violation of [the executive order] governing the operation of car dealerships.”

Logan v. Medical Clinic of Houston, LLP (Harris County, Texas)
The plaintiff, a nursing supervisor, brings suit against the defendant clinic for disability discrimination under Texas law. The plaintiff alleges that he suffers from myriad medical conditions, including diabetes, high blood pressure, and one lung with compromised function. The plaintiff alleges that the defendant opened a separate section of the clinic to care for patients suffering from COVID-19, in which the plaintiff occasionally had to work, but it was part of his regular responsibilities. The plaintiff alleges that in late June, he was admitted to the hospital with an unrelated medical condition, and did not return to work for two weeks. Upon his return, concerned that he would contract COVID-19, the plaintiff alleges that he requested that his doctor provide him with a letter recommending that he limit his exposure to the part of the clinic caring for COVID-19 patients. His doctor provided the letter, and the plaintiff claims that he was terminated three days after he gave it to his supervisor. The plaintiff claims that the defendant discriminated against him with respect to his disabilities by failing to accommodate his reasonable request.

Williams v. PPG Industries Ohio, Inc., et al. (Cuyahoga County, Ohio)
The plaintiff, an African-American man and former shift supervisor for a specialty supplier, filed a complaint against his employer and supervisor for wrongful termination and race discrimination under state law. The plaintiff alleges that after suffering a workplace injury for which he was given light duty and for which he was expected to file a workers’ compensation claim, he raised “safety and health concerns” regarding his employer’s failure to provide detailed information about employees who potentially were exposed to COVID-19. The plaintiff claims that shortly after his complaint, he was placed on a performance improvement plan
and then laid off. The plaintiff further claims that while some Caucasian workers who also were laid off were rehired, the plaintiff was not. The plaintiff alleges race discrimination and that he was wrongfully discharged in violation of Ohio public policy prohibiting both interference with a workers’ compensation claim and retaliation for opposing working in an unsafe environment compliant with OSHA health and safety regulations. The plaintiff seeks an unspecified award of compensatory damages including lost wages and benefits, punitive damages, costs, and an award of attorneys’ fees and costs.

October 6, 2020

Linda Bonk v. Chicago Nut & Bolt Inc. (DuPage County, Illinois)
The plaintiff, a sales assistant, alleges that she had a “medical history of acute upper respiratory infections which made her particularly susceptible” to COVID-19, and on March 25, was “exhibiting symptoms of an upper respiratory infection.” Her doctor recommended that she be permitted to work from home during the COVID-19 pandemic. The defendant permitted the plaintiff to work remotely, but on May 4, the plaintiff alleges she was notified that her accommodation “had ended” without explanation.” The plaintiff claims she was given the choice to either continue working remotely until June 1 (at which time remote work would no longer be permitted), at 80 percent of her salary, or to return to in-person work immediately. The plaintiff obtained legal counsel, who negotiated with the defendant. She alleges her supervisor advised her “that he had created a work area where there would be no contact with any workers or vendors and demanding that she report to work the next day,” which she did. She claims she was assigned “to work at a table in the warehouse performing manual labor packaging parts which was a job [she had] never previously performed,” and that she was purportedly directed to do so “in order to humiliate [her] and force her to resign.” The plaintiff claims she “continued to report to work” and “performed all assigned work as directed.” On June 10, purportedly after the defendant was no longer obligated to use its PPP funds to employ the plaintiff, the plaintiff claims she was terminated without explanation. The plaintiff brings suit under the Illinois Human Rights Act for failure to accommodate her disability, disparate treatment and retaliation on the basis of her disability, and a hostile work environment, and seeks a variety of relief, including damages and reinstatement.

Delgado v. Imboden Pump, et al. (Napa County, California)
The plaintiff was a water well pump installer for the defendant. He claims that in March, he verbally requested that the defendant implement precautions to protect employees from COVID-19, including requiring masks, providing hand sanitizer, and enforcing social distancing. He alleges that the defendant ignored his request, and that on June 29, the defendant informed employees that a coworker had tested positive for COVID-19. The plaintiff alleges that from July 6 to July 16, he verbally requested to the owner that the company implement precautions, but that each time, the owner ignored him and told him “to get back to work.” He claims that on July 16, the company assigned him to work a shift with a coworker who had recently tested positive for COVID-19. The plaintiff claims that he informed the owner that he was not comfortable
working with this coworker, and that in response, he was terminated. He brings causes of action for retaliation and wrongful termination. Further, unrelated to COVID-19, he claims that throughout his employment, he worked approximately one hour of overtime each day for which he was not paid. He also alleges that he frequently missed meal and rest periods and that he complained to the owner about this, and was told to eat at the “Windshield Diner,” meaning that he should eat while driving to job sites. He brings causes of action for failure to pay overtime, failure to provide meal periods, failure to provide accurate wage statements, failure to pay wages owed at termination, and unfair business practices.

More v. Freeborn County Cooperative Oil Company (Freeborn County, Minnesota)
The plaintiff, who is in her fifties, worked in accounts payable for the defendant, and reported to the CEO. She alleges that after she was hired, she was repeatedly told by coworkers that they were surprised the CEO hired her as he usually hired young women. The plaintiff alleges that on March 11, she went on a preapproved, planned vacation, and returned to Minnesota on March 20. She claims that before her return, she was contacted by the office manager and informed that she would need to quarantine for one week before she returned to work, as a result of the COVID-19 pandemic. During her quarantine, the office manager informed her that she would need to quarantine for an additional week. The plaintiff alleges that on March 30, the CEO informed her that the company was terminating her employment and that business was too slow to support her position. The plaintiff alleges that she asked the CEO if she would be brought back if conditions improved, and the CEO responded that there were no guarantees and the plaintiff’s duties would be divided among the other “girls” in the office. The plaintiff claims that the company did not actually divide her duties among other employees, and instead hired a woman in her thirties to replace the plaintiff. She claims that after she retained counsel and sent a letter to the company detailing her allegations, she was told that the true reason for her termination was that she made “repeated and significant ‘financial mistakes.’” She alleges that she was never informed that she made any financial or accounting errors while working for the defendant, and that she was actually terminated as a result of her age. She brings one cause of action for age discrimination.

Resko v. Nortek Air Solutions, LLC et al. (Multnomah County, Oregon)
The plaintiff was employed as a maintenance supervisor at the defendant’s manufacturing plant. He claims that he expressed COVID-19-related health and safety concerns to the defendant, including asking whether the plant should be shut down because it allegedly did not comply with a state executive order. According to the plaintiff, the defendant told him the plant would remain open, and he should not spread fear or cause trouble. The plaintiff claims the defendant began to call complaining employees “problem starters” and sent workers a memo that stated, “[I]f you run into someone with a bad attitude, dramatizing, spreading rumors, or fear let me know and we will deal with that on a case by case basis.” About a week later, the plaintiff asserts that he complained when the defendant wanted his maintenance team to clean the work area of an employee who had been exposed to COVID-19 (his wife tested positive). According to the plaintiff, the workers lacked proper protective equipment and training to do the work safely, and the employee was returning to work too soon after exposure. The plaintiff asserts that
he also requested that the defendant grant him and other employees protected leave. According to the plaintiff, the defendant fired him two days later for exhibiting "disrespectful behavior." In the complaint, the plaintiff alleges that his termination violated state law and public policy prohibiting retaliation and interference with state-mandated sick and family leave.

The plaintiffs, former laborers and construction workers, allege that the individual defendants and residential rehab and construction company defendants terminated them for complaining about the defendants' failure to pay them overtime wages and issuing them bad checks. The plaintiffs allege that they were terminated in March 2020 under the pretext of COVID-19 and the resulting loss of business. However, the plaintiffs allege that the real reason they were terminated was because they had complained about the defendants' failure to pay overtime wages and, in some instances, any wages at all for hours worked. The plaintiffs estimate that they often worked more than 30 hours a week in overtime, for which they were not paid at the overtime rate. The plaintiffs further allege that they were often issued bad checks. Indeed, the plaintiffs allege that they possess tens of thousands of dollars in bad checks. Based upon these allegations, the plaintiffs assert various violations of the FLSA and New York Labor Law, including failure to pay overtime wages and failure to provide proper wage notices and wage statements, as well as late payment of wages. Finally, the plaintiffs claim that their termination under the auspices of COVID-19, were retaliatory in violation of the FLSA and New York law.

_Cardano v. The Empanada Lady Co._ (Southern District of Florida)
The plaintiff worked as a baker for the defendant. Around July 2020, the plaintiff began to experience symptoms of COVID-19, and her doctor advised her to quarantine for two weeks. The plaintiff requested a leave of two weeks, and the defendant granted the request. However, the plaintiff alleges the defendant did not explain the plaintiff's rights under the FFCRA and the EPSLA, despite knowing she was suffering COVID-19 symptoms. About one week into her approved leave period, the defendant terminated the plaintiff's employment. The plaintiff sued the defendant, alleging it had failed to inform her of her rights under FFCRA and EPSLA despite knowing of her potential qualification for benefits, that it had interfered with her rights under those laws by terminating her employment while she was on leave, and that it retaliated against her for requesting leave under those laws.

_Jeffrey Ferren v. Freedom Prep Charter School, et al._ (Camden County, New Jersey)
The plaintiff, a maintenance worker, claims disability discrimination and wrongful termination under state law in connection with his termination after he was hospitalized with COVID-19. The plaintiff alleges that from April 18 through May 5, he was hospitalized with COVID-19, and that his employer perceived him to be disabled. The plaintiff further alleges that following his leave of absence, he was informed by his employer that his contract would not be renewed for the following year. The plaintiff alleges that he "became a target of [his employer] after he needed to take a medical leave of absence for his disability." The plaintiff claims that but for his disability, he would not have been terminated.
Kelley v. NFI Industries, Inc. (Riverside County, California)
The plaintiff worked as a forklift driver in the defendant’s warehouse. On July 3, the defendant learned that an employee in the warehouse had tested positive for COVID-19. The following week, the defendant informed the other employees of the positive test result. The plaintiff confronted the warehouse manager about why the other employees were not informed of the positive test result sooner, and also why the defendant was not closing down the warehouse to sanitize it – as the defendant’s protocols allegedly stated would happen. The warehouse manager allegedly told the plaintiff that they would not be closing down the warehouse, but would hire additional cleaning staff to sanitize it. The plaintiff also complained about being forced to work more than his scheduled hours without advance notice. The manager allegedly told the plaintiff that “you’re not gonna cause conflict in my warehouse. This is my damn warehouse and I run it like I run it.” The manager then placed the plaintiff on administrative leave. The plaintiff consulted an attorney, who drafted a letter to the defendant’s general counsel demanding that the plaintiff’s complaints be elevated above the warehouse manager. On July 12, the plaintiff’s attorney and the defendant’s general counsel spoke on the phone, and the general counsel stated that the plaintiff had threatened a manager and would not be allowed to come back to work unless he enrolled in anger management courses. The plaintiff informed the defendant that he would not be enrolling in anger management courses, and his employment was officially terminated. The plaintiff sued the defendant, alleging he was terminated in retaliation for making a complaint about workplace safety in violation of California state law and public policy, and also for his complaints about being required to work extended shifts without advance notice.

McCrary v. Lapin Motor Company, et al. (Multnomah County, Oregon)
The plaintiff, a former finance and sales manager for a motor vehicle dealer, filed a complaint against his employer and its owner for wrongful termination and violation of state whistleblower protection and other laws. The plaintiff alleges that his employer refused to implement social distancing or other safety measures in light of the COVID-19 pandemic, concealed from employees and customers a COVID-19 outbreak among multiple employees in the workplace, refused FFCRA benefits to its employees while obtaining and misappropriating a loan under the Paycheck Protection Program, berated the plaintiff for expressing his concerns about workplace safety, docked the plaintiff’s pay for taking two days off work to seek testing for COVID-19, assaulted the plaintiff and terminated his employment. The plaintiff alleges wrongful termination and violation of state whistleblower laws for opposing unlawful violations of OSHA standards and public orders regarding COVID-19, assault and battery, intentional infliction of emotional distress and violations of state sick leave and wage and hour laws. The plaintiff seeks an unspecified award of economic damages, an award of non-economic damages in the amount of $1 million, unpaid wage penalties, and an award of attorneys’ fees and costs.

Erickson, et al. v. Gordon Truck Centers, Inc., et al. (Pierce County, Washington)
The five plaintiffs are former technicians, mechanics, salesmen, and managers of the defendant commercial truck dealership. Each plaintiff is over 40 years old and each has some purported disability, of which they
each allege that the defendant is aware. The plaintiffs claim that in 2019, the dealership’s operations director made ageist comments and required certain employees, including the plaintiffs, to reapply for their jobs. The plaintiffs allege that when the COVID-19 pandemic emerged they were furloughed and then terminated, and that no younger and non-disabled employees were terminated. In the case of several of the plaintiffs, the defendant allegedly told the plaintiffs that their positions were being eliminated, only for the plaintiffs to thereafter see job postings describing their former positions. The plaintiffs claim that they were discriminated against in violation of Washington state law on the basis of their age and disabilities.

Flores v. Triple C Electric Inc., et al. (Los Angeles, California)
The plaintiff, who worked as an electrician for the defendant, asserts that the defendant terminated him because he contracted COVID-19 and took medical leave to isolate and recover. According to the plaintiff, he promptly reported his positive COVID-19 test to the defendant, who told him to quarantine per CDC guidelines. The defendant also allegedly said the plaintiff would receive three company-provided sick days and FFCRA sick pay for the remainder of his leave. The following week, however, after the plaintiff explained that he needed additional time to recover, the defendant said he needed to seek state disability benefits for wage-replacement beyond the three sick days. The plaintiff asserts that when he returned to work on Sept. 8, one of his supervisors said, “You weren’t that sick,” and indicated that the plaintiff should have come to work instead of exaggerating his symptoms. According to the plaintiff, the supervisor then told him to “Get the [****] out of here!” and fired him. The plaintiff sued for, among other claims, disability discrimination, failure to provide a reasonable accommodation, failure to engage in the interactive process, and retaliation.

Jean v. Palm Beach Diabetes and Endocrine Specialists, P.A., et al. (Palm Beach County, Florida)
The plaintiff, a lab technician, alleges unlawful retaliatory discharge in violation of Florida’s Whistleblower Act, the FMLA, and the FFCRA. The plaintiff alleges that on April 20, he tested positive for COVID-19, and that when his supervisor found out, “she told the entire company, without any regard for the stigma felt by people who contracted the virus or [the plaintiff’s] HIPAA rights.” The plaintiff alleges that he “confronted” his supervisor about telling others about his health situation, but instead of apologizing, his supervisor “dug in and insisted that she had the right to tell whomever she wanted.” The plaintiff further claims that the supervisor, in retaliation for being challenged, “harassed the plaintiff by text message the entire time he was recovering in quarantine.” The plaintiff alleges that once he returned to work, he was asked to sign a notice about PTO procedures amid COVID-19. The plaintiff refused to sign the document because the policy only affected him. The plaintiff alleges that his supervisor “came down on him so hard that [he] had to take a mental health day,” and that he was told that his mental health day counted as an unexcused absence and he had exceeded his PTO days. The plaintiff alleges that was fired a “few hours later.” The plaintiff claims that he engaged in protected activity by objecting to an activity of his employer which was in violation of the law, and that he was retaliated against for engaging in that protected activity in violation of Florida’s Whistleblower Act. He also claims that he was discharged as a result of exercising benefits afforded to him under the FMLA and FFCRA.
Dustin Walton v. Graves County Fiscal Court et al. (Western District of Kentucky)
The plaintiff, a jailor at a county detention center, claims violations under the FFCRA related to his employer’s refusal to provide him paid leave pursuant to the EPSLA and his subsequent termination. The plaintiff alleges that his physician re-diagnosed him with a lung condition, and in light of the pandemic, directed him to work only in a low-risk area. The plaintiff alleges that he submitted the recommended accommodation to his employer, who responded that there were no low-risk positions and denied his request. The plaintiff alleges that he then used three days of accrued leave and concurrently filed for unemployment to preserve income during the time that he was on leave. The plaintiff alleges that although he informed his employer that he intended to take time off for his medical condition that made him susceptible to acquiring COVID-19, his employer terminated him.

October 2, 2020
Alyssa Blackwell v. Doremouse Organics LLC dba The Evergreen Market, et al. (King County, Washington)
The plaintiff, an employee at a “marijuana retail enterprise,” claims wrongful termination and retaliation under state law in response to her alleged complaints about employee and public safety in connection to the COVID-19 pandemic. Specifically, the plaintiff alleges that although her employer closed for one day to deep clean, her employer did not implement any other policies to respond to the pandemic, including social distancing or other recommended procedures. The plaintiff alleges that she complained directly to the company’s CEO regarding the lack of protective procedures, and she stressed the importance of protecting employees and the public. The plaintiff claims that she was terminated three days later, and that the CEO stated the plaintiff was “on her list” and “would be the first to go” as a result of her advocacy for safe work conditions.

Cooper-Braun v. The Newgrange School of Princeton, Inc. (Burlington County, New Jersey)
The plaintiff, a teacher, signed a contract with the defendant in March 2020 for the September 2020-June 2021 school year. In June 2020, the defendant offered the plaintiff a promotion to a different position, which paid more and carried additional responsibilities, including a requirement that the plaintiff work at least 20 hours at the school during the summer months to prepare for the upcoming school year. At the time the defendant offered the plaintiff this promotion, the defendant knew she would be out of state on vacation. The plaintiff alleges that before she accepted the position, she confirmed with the school’s chief operating officer that the summer hours were “flexible” and that she could complete them when she returned from vacation. Upon her return from vacation in early July, the COO reminded the plaintiff that she was required to quarantine for two weeks before she could come to the school. On July 13, the COO officially introduced the plaintiff to the school board in her new position. The next day, the plaintiff sent an email to the COO “insisting, among other things, that [the defendants] comply with the law and regulations, and act in a way that was compatible with a clear mandate of public policy concerning the health and/or welfare of children.” The next day, the COO emailed the plaintiff, informing her that the defendant had reassigned the plaintiff to her previous position, telling her that she “had since March to prepare for [her] new role, and waiting until
the summer to begin prep work is unprofessional.” In response to her demotion, the plaintiff sued the defendant for unlawful retaliation pursuant to the New Jersey Conscientious Employee Protection Act for her demand that the defendant follow the law and regulations related to the COVID-19 pandemic.

*Lopez v. Butler and Tink Ventures, LLC, et al.* (Ventura County, California)
The plaintiff was a hairstylist for the defendant. She alleges that she has an unspecified, increased susceptibility to COVID-19. She alleges that in June, she took two days of sick leave for a sore throat. She claims that because a sore throat is a symptom of COVID-19, she understood that she was supposed to stay home, per the defendant’s instructions. She alleges that on July 13, her manager called to tell her that the government was mandating another shutdown and that she did not have to stay at work if she did not feel comfortable or safe at work. The plaintiff claims that on July 14, she was paid on her tip card instead of via direct deposit, which was unusual. She alleges that she emailed her manager to ask why she was paid this way but did not receive a response. She alleges that on July 17, the owner of the salon emailed her to say that she had forfeited her job by leaving work early and closing the store without authorization. The plaintiff alleges that she informed the owner that the manager gave her permission to leave early, and the owner replied that they could discuss the misunderstanding if the salon had money to reopen, and that employees would be called back in order of seniority. The plaintiff alleges that she was never called back to work, and that she was replaced with a less qualified employee. The plaintiff alleges that she was terminated because she allegedly has an unspecified, increased susceptibility to COVID-19. She brings causes of action for wrongful termination, disability discrimination, various types of retaliation, failure to engage in the interactive process, failure to accommodate, and failure to prevent discrimination and retaliation.

*Padilla v. Deluxe Auto Sales, Inc., et al.* (Union County, New Jersey)
The plaintiff was the internet sales manager for a car dealership. She alleges that during the COVID-19 pandemic, the car dealership remained open for business, but kept the blinds closed and lights turned off, as it was not an essential business and was not supposed to be operating. She claims that she objected to the dealership being open several times over the course of three weeks. Further, she alleges that because the dealership was not supposed to be open, the dealership paid employees in cash. The plaintiff claims that she requested to be paid at her normal rate by check, but the dealership refused. The plaintiff alleges that shortly thereafter, the dealership shut down because “it was too risky to stay open.” She claims that she was then told that she would not be brought back to work because “they were going in a different direction.” The plaintiff alleges that she was actually terminated because of her objections to the dealership staying open and her request to be paid at her normal rate by check. She brings causes of action for retaliation in violation of the New Jersey Conscientious Employee Protection Act and equitable relief.

*Wasilewski v. ACCU Reference Medical Lab, LLC, et al.* (Union County, New Jersey)
The plaintiff, a supervisor of the molecular department for a medical testing laboratory, alleges she was terminated in violation of the New Jersey Law Against Discrimination and the New Jersey Family Leave Act (NJFLA). The plaintiff claims that because of COVID-19, the number of
“tests the laboratory was tasked with handling” nearly doubled, which required the plaintiff to work longer than normal hours. The plaintiff alleges that in early June, her husband was “taken off furlough and required to return to work.” As such, the plaintiff informed her supervisor that she had to return to her normal schedule and leave by 4 p.m. each workday to care for her child. The plaintiff alleges that “shortly after informing [her supervisor of her need to leave at 4 p.m.], she began receiving many more assignments than before,” and was “working all hours of the day.” The plaintiff alleges that when she complained to her supervisor about the “unfair and unsustainable amount of work,” her supervisor told her she is “a supervisor, [she] has to work 24/7.” The plaintiff alleges that on June 12, the plaintiff informed a co-worker that she was pregnant. Three days later, the plaintiff alleges that she was terminated for “underperforming.” The plaintiff claims that the given reason is “dubious” and “clearly pretextual,” and that she was actually fired because she was pregnant. The plaintiff also claims that she was eligible for leave under the NJFLA because her child’s place of care was closed by order of a public official due to COVID-19, that she provided notice to her employer who failed to grant her request, and that her employer unlawfully retaliated against her “for seeking to exercise her rights under the NJFLA.”

Wyrick v. Goliath Freight Inc. (Southern District of Indiana)
The plaintiff, a delivery driver, alleges he was retaliated against under the FMLA and the FFCRA. The plaintiff claims that on March 23, he began to feel sick and experience COVID-19 symptoms. The next morning, the plaintiff telephoned his supervisor that he was experiencing COVID-19 symptoms, in response to which his supervisor told the plaintiff to quarantine and not report to work. The plaintiff alleges that he was medically cleared to return to work on April 13, but the weekend prior to his return date, the plaintiff received text messages from supervisors asking if he could work during the weekend. The plaintiff, who was not comfortable returning to work prior to his scheduled return date, declined to work the weekend shift. The plaintiff alleges that on the morning he was scheduled to return to work, he “was fired by his supervisor” for his “attitude toward management and attendance, outside of being sick with possible COVID-19 symptoms.” The plaintiff claims that the reasons provided are “obviously false and pretextual.” The plaintiff claims that his employer violated his “substantive rights under the FFCRA and FMLA by terminating [him] and/or failing and refusing to preserve [his] employment.”

October 1, 2020
Hudson v. S&ME, Inc. (Hamilton County, Tennessee)
The plaintiff, a 58-year old female, worked as an engineer for the defendant in what she calls a “male dominated” profession. In early 2020, shortly before the COVID-19 outbreak, the plaintiff alleges that she discovered she was paid less than a male colleague around the same age and experience level for doing the same work. She alleges that she confronted her boss about this disparity, but her boss “avoided any discussion of the matter.” On April 2, the plaintiff was abruptly terminated, and she alleges her boss told her the defendant was “eliminating older employees in order to hire young engineers.” On the official separation notice she received from the defendant, the reason listed for the plaintiff’s termination was “Covid.” The plaintiff alleges she asked whether she would be recalled after the COVID-19 pandemic was over, and the
The defendant told her the termination was permanent. The plaintiff further alleges that at the time of her termination, the defendant had considerable work that could be done during the pandemic, and was even actively seeking to hire more engineers. The plaintiff sued the defendant, alleging that “Covid” was a pretextual reason for her termination, and that it instead constituted age or sex discrimination in violation of Tennessee and federal law.

*Rouse v. Waffle House, Inc.* (Northern District of Georgia)

The plaintiff, a former server for the defendant restaurant, alleges that the defendant wrongfully terminated her because it regarded her as disabled due to a blood clotting disorder in her lungs which purportedly put her at higher risk for COVID-19. The plaintiff alleges that she was informed that the defendant’s district manager had tested positive for COVID-19 in early July. Approximately one week later, the plaintiff reported for her shift and saw that the district manager who had tested positive for COVID-19 was working. The plaintiff alleges that because of her blood clotting condition, she was at a heightened risk, so she called her manager and stated that she did not feel safe working at the same time as the district manager who had tested positive for COVID-19. The plaintiff alleges that she then called the district manager from outside the restaurant and requested the day off, and also advised the district manager that she was not quitting. The plaintiff further alleges that she called the restaurant's area manager and explained that she was taking the day off because she did not feel safe working. The area manager told her that if she did not work, she would be taken off the schedule and terminated. The plaintiff claims that the defendant wrongfully terminated her in violation of the ADA because it was aware of her disability and failed to accommodate her reasonable request for the day off.

*Rudolpho Santos v. American International Warehouse, Inc. et al.* (Middlesex County, New Jersey)

The plaintiff, a warehouse employee, alleges wrongful termination after he was tested for COVID-19 and reported to work following his negative test. Specifically, the plaintiff claims that he called in to report he was sick on a Wednesday and Thursday, before his employer directed him to test for COVID-19. The plaintiff alleges that on the following Monday, he e-mailed his supervisor to confirm he was scheduled to be tested on Thursday, but received no response. Approximately one week later, the plaintiff alleges that he informed his supervisor that he was waiting for his test results and again received no response. The plaintiff claims that he notified his supervisor the following Monday that his test results were negative, and that when he arrived to work the next day, he was met by two men at the door who escorted him to his supervisor. The plaintiff alleges that his supervisor stated that he “had been playing games,” and further stated that he did not believe the plaintiff was sick and that the plaintiff was terminated.

**September 30, 2020**

*McClendon v. Storer Transportation Service* (Stanislaus County, California)

The plaintiff, a bus driver, alleges that he was wrongfully terminated based upon his age. The plaintiff alleges that after working for the defendant for more than a decade and receiving uniformly positive reviews, the defendant asked whether he and other older bus drivers would voluntarily furlough with the onset of COVID-19 and the related
decrease in bus routes. The plaintiff alleges that the defendant told him that the furlough would only last a month, and that he would be brought back as soon as possible. However, after one month of furlough, the plaintiff alleges that his furlough was extended for another month. Several days after being notified of the extension of his furlough, the plaintiff alleges that he was terminated. The plaintiff alleges that he was told that his position was being eliminated as a result of COVID-19. However, most of the employees who had been furloughed were brought back to work. The plaintiff alleges that the only employees not brought back to work were older than him. Moreover, the plaintiff alleges that despite being told that his position was eliminated, he discovered later that the defendant had posted bus driver job openings. Based on these allegations, the plaintiff claims that the defendant discriminating against him with respect to his age in violation of California law.

_Dono v. Ferman Motor Car Company_ (Middle District of Florida)
The plaintiff became ill on April 7, and advised his employer of his illness on April 11. On April 13, he sought medical care and was instructed to self-isolate for 14 days. On April 23 he was advised his COVID-19 test was negative, but that the healthcare provider believed the test was a false negative. However, the healthcare provider cleared the plaintiff to return to work. On April 23 and 24, the plaintiff advised the defendant that he was cleared to return to work, and he returned to work from April 24-28. On April 29, plaintiff was terminated for being “a ‘no show-no call’ for an extended period of time.” The plaintiff alleges a claim for violation of the FFCRA paid sick leave provisions.

_Villanueva v. Pacific Medical Laboratory, Inc._ (Orange County, California)
The plaintiffs worked for the defendant as an office worker and in two client services positions, respectively. The plaintiffs bring claims for retaliatory discharge and sundry wage and hour violations. The plaintiffs allege that the defendant’s Human Resources manager notified them that they would begin testing patients for COVID-19. In response, the plaintiffs all asked to be provided adequate PPE. On April 27, the plaintiffs sent an email to the defendant’s CEO outlining their safety concerns and requesting to stay at home until such concerns were addressed. The CEO responded that if the plaintiffs did not show up the next day, he would accept their refusal to return to work as their immediate resignations. On April 28, the plaintiffs emailed again, clarifying that they had not resigned and were concerned about the safety procedures. The CEO responded that the plaintiffs had abandoned their positions. The plaintiffs claim that the defendant terminated them in retaliation for their complaints about an unsafe work environment, in violation of California law. Unrelated to COVID-19, the plaintiffs also assert various violations of the California Labor Code, including failure to pay overtime wages, failure to provide meal and rest periods, failure to maintain requisite wage records, failure to pay wages of a discharged employee, and failure to provide personnel records upon request.

**September 29, 2020**

_Mallard v. Bedford City Board of Education_ (Bedford County, Tennessee)
The plaintiff, a former employee of a board of education, filed a complaint against her employer for disability discrimination under state law. The plaintiff alleges that she became symptomatic for COVID-19, was tested for the infection, and returned to work pending her test results – as instructed by the county department of health administering her test.
When she received a positive test result, the plaintiff notified her employer and self-quarantined for 14 days. The plaintiff alleges that upon her return to work, her employment was terminated for knowingly coming to work infected with COVID-19. The plaintiff alleges that when she notified her employer that the health department instructed her to work until her test results were received, her employer modified the reason for her termination to knowingly coming to work while symptomatic for COVID-19. The plaintiff alleges that COVID-19 is a physical impairment that “substantially limited one or more of [her] major life activities,” and that her employment was terminated on the basis of her disability or perceived disability in violation of state disability laws. The plaintiff seeks reinstatement, an unspecified award of compensatory damages, and an award of attorneys’ fees and costs.

Vargas v. David J. Bainer, D.D.S., Inc., et al. (San Diego County, California)
The plaintiff was a dental hygienist for the defendants. She alleges that in early March, she informed the defendants that she had an immunocompromised child and that she might be required to take time away from work to care for her child as a result of the COVID-19 pandemic. She further alleges that in early March, Dr. Bainer displayed certain PPE to employees via a Zoom meeting, including a filtering facepiece respirator. The plaintiff claims that Dr. Bainer showed the PPE with the intent that employees wear it to prevent the spread of COVID-19. She alleges that during the meeting, she expressed concern that the PPE was not approved by NIOSH and was not authorized for use by the FDA. She alleges that shortly after the meeting, she further discussed her concerns with Dr. Bainer. She claims that on May 21, she was terminated. She alleges that the defendants terminated her because of her comments that the PPE was unapproved, and because they were concerned that she might need to take time away from work to care for her immunocompromised child. She brings seventeen causes of action including retaliation, wrongful termination, infliction of emotional distress, unfair competition, failure to prevent harassment, discrimination, and retaliation. Unrelated to her COVID-19 claims, she brings a variety of wage and hour violations pertaining to meal and rest breaks, overtime, minimum wage, unreimbursed business expenses, inaccurate wage statements, and failure to pay all wages owed at termination.

Hutchinson v. Florence Township Board of Education, et al. (Burlington County, New Jersey)
The plaintiff, who was employed as a payroll/personnel clerk, alleges harassment, discrimination, and retaliation in violation of the New Jersey Law Against Discrimination. The plaintiff alleges that, as a result of the COVID-19 pandemic, her children’s daycare and school closed, and she began working a modified schedule where she worked from home three days per week. On May 13, the plaintiff claims that her supervisor directed her to return to the office for three hours a day, five days a week, and that beginning on July 1, the company would revert back to a regular five-day-per-week office schedule. On May 15, the plaintiff requested a leave of absence under the EPSLA and the EFMLEA “due to her need to care for her children because of the unprecedented school and daycare closures caused by the pandemic.” The plaintiff claims that her request was “met with hostility and anger from” her supervisor, who told her “I don’t think a leave will work,” and that she “should be thankful that [she has] a job.” The plaintiff claims that within days, she was directed “to
return all school district property, such as her computer, and cut-off [the plaintiff's] email access." The plaintiff claims that her termination and denial of leave was due to her gender, marital status, and in retaliation for previously reporting a hostile work environment.

September 28, 2020

Hackbarth v. DuBois Chemicals, Inc. (Hamilton County, Ohio)
The plaintiff, a veteran having served in both Iraq and Afghanistan, worked as a “Technical Specialist” for the defendant, a federal contractor required to observe the non-discrimination provisions of the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA). The plaintiff alleges that throughout his employment with the defendant, his “second level supervisor” continually denigrated veterans and their contributions to the company. After the COVID-19 pandemic hit in April 2020, the defendant reduced the salary of all of its technical specialists by 20 percent. On May 29, the plaintiff was terminated allegedly due to the economic downturn brought on by the COVID-19 pandemic. The plaintiff alleges this reasoning is pretextual, as five other technical specialists, all of whom are non-veterans, were retained and even given back a portion of their salary cut from April. The plaintiff sued the defendant, alleging that his termination constitutes a violation of Ohio public policy, as articulated in VEVRAA, of protecting veterans from discrimination.

September 26, 2020

Hernandez v. United Glass Systems Corp. (Southern District of Florida)
The plaintiff, a former employee of a commercial window installation company, alleges FFCRA interference and retaliation. The plaintiff claims that after becoming symptomatic for COVID-19, he took leave under the FFCRA to be tested for the virus. The plaintiff alleges that although his test returned negative, his doctor found pneumonia in his lungs and recommended he take additional leave. The plaintiff claims that he “texted” his employer “about returning to work” and that, upon his return to work four days later, he was notified that his employment was terminated. The plaintiff seeks unspecified damages, attorneys’ fees and costs.

September 25, 2020

Thomson v. Hunterdon Youth Services, Inc. et al. (Union County, New Jersey)
The plaintiff filed a seven-count complaint alleging that her termination during the COVID-19 pandemic violated the FFCRA, New Jersey’s disability discrimination and sick leave laws, and public policy. The plaintiff alleges that after she was in close contact with an employee who was ordered by his health care provider to self-quarantine and be tested for COVID-19, she began to experience symptoms associated with COVID-19. As a result, the plaintiff contacted her health care provider, who advised her to self-quarantine. The plaintiff then told her supervisor that she would be off work until she received her COVID-19 test results, and offered to provide a note. Shortly thereafter, the defendant’s director called the plaintiff and told her a note was not acceptable because she was an essential worker, and that she could either report to work or be terminated. The plaintiff then sent the note to the director, who told her she could either report to work or he would accept her resignation. Even though the plaintiff explained that she did not want to resign, the director responded that he accepted her resignation and the plaintiff’s employment was terminated. The plaintiff alleges that she was terminated
because of her actual or perceived disability, and that the defendant failed
to accommodate her disability. The plaintiff also alleges that the
defendant interfered with her rights under the FFCRA and New Jersey’s
sick leave law, and terminated her in violation of New Jersey public policy.

September 24, 2020

*Bassett v. 21st Century Chemical Inc.* (Broward County, Florida)
The plaintiff, a warehouse associate, alleges unlawful retaliation in
violation of Florida law. The plaintiff claims that around July 30, a
coworker began experiencing symptoms of COVID-19 and was sent
home from work. The plaintiff was ordered to take over the coworkers positions, but the plaintiff refused to take over [the coworkers]
workstation without protective gear because he was afraid of getting
COVID-19 and because he has a minor child at home with respiratory
problems, who may also be at risk of getting COVID-19. The plaintiff
inquired with human resources regarding the company’s protocol for
dealing with cases of COVID-19. “Specifically, [the plaintiff] asked what
type of accommodations were available, if protective gear was going to
be provided by the [employer], and again stated that he could not risk
working at [the coworkers] workstation in fear of getting COVID-19.” The
plaintiff alleges that in response, human resources confessed that [it] did
not have any protocol in place to deal with COVID-19 cases among its
employees. The plaintiff also claims that the owner of the company
overheard the plaintiffs conversation with human resources, became
furious,” screamed at the plaintiff “you do not tell me how to run my
business,” and terminated [the plaintiffs] employment on the spot.”

*Joseph M. Freeman v. Knoxville Gastroenterology Anesthesia Associates, LLC.* (Knox County, Tennessee)
The plaintiff, a nurse anesthetist, claims violations under Tennessees
Public Protection Act related to his termination for allegedly refusing to
remain silent about his employer continuing to schedule elective medical
procedures without providing the proper PPE to the surgical staff, in
violation of COVID-19 mandates. The plaintiff alleges that he e-mailed the
human resources manager and raised concerns about the lack of N95
masks for employees to wear during surgeries, and questioned the
employers use of stimulus funds appropriated in response to the
pandemic. The plaintiff alleges he was terminated 24 days after he began
questioning the legality of his employers actions, and claims that
according to his co-worker, his employer stated in an e-mail that “no
matter what [the plaintiff] did or what [the employer] did, [the plaintiff] was
not going to be happy.” The plaintiff claims he was wrongfully terminated
for refusing to remain silent about or participate in his employers alleged
illegal activities.

*Marcie Murtha v. Visions of Eden Inc., et al.* (Sacramento County,
California)
The plaintiff was employed by the defendants for more than ten years.
According to the complaint, the plaintiff emailed the defendant’s owner,
and made several complaints about the defendant’s safety protocols in
response to the COVID-19 pandemic. Specifically, the plaintiff noted that
customers were not wearing masks or social distancing, and listed a
number of additional purported deficiencies in the working conditions. She
indicated that she has loved ones who are in the vulnerable category,”
and that she was willing to telework until her concerns were addressed.
According to the plaintiff, the defendant’s owner responded in part: “I
regretfully accept your resignation. I will process your final checks today.”
Though the plaintiff purportedly responded that she had not resigned and “merely wants to work in a safe workplace,” the defendant “moved forward with the retaliatory termination.” With respect to COVID-19, the plaintiff claims wrongful termination in violation of OSHA, the California Labor Code and public policy, as well as breach of contract for the defendant’s alleged failure to comply with its “COVID-19 Worksite Specific Plan.” Unrelated to her claims about COVID-19, the plaintiff also brings claims for unpaid wages and overtime, missed meal and rest breaks, and inaccurate and untimely wage statements.

Wegman v. Kalitta Charters, LLC (Eastern District of Michigan)
The plaintiff is a former back-office employee for the defendant, handling many of its “insurance issues.” The plaintiff, who states that she is “almost 60 years old,” alleges that in 2019, she was diagnosed with breast cancer, and underwent significant treatment for the disease. The plaintiff further alleges that during the COVID-19 pandemic the defendant failed to comply with the governor’s executive orders related to wearing masks and social distancing. The plaintiff alleges that she was one of the few people in the office to wear a mask, and claims that she complained to the defendant that she was scared for her health and safety while in the office. The plaintiff alleges that after she complained to the defendant, she was terminated. The plaintiff alleges that the defendant’s human resources representative told her that her “position was going to go buh-bye.” The plaintiff claims that the defendant wrongfully terminated her in violation of public policy. In addition to her COVID-19 related wrongful termination claim, the plaintiff also claims that the defendant discriminated against her based upon her age when it terminated her, and also retaliated against her in violation of the FMLA based upon the time she took off of work in 2019 when receiving treatment for cancer.

September 23, 2020
Franklin v. Freight System, LLC (San Bernardino County, California)
The plaintiff, an independent contractor of a trucking company, alleges that he was misclassified and should have been classified as an employee. He contends that he was assigned a truck that had not been properly cleaned following its use by another driver whose wife had tested positive for COVID-19. When the plaintiff complained and said he could not drive the truck out of concern for his safety and the safety of his family members, the plaintiff was “terminated.” He brings claims for whistleblower retaliation, and wrongful discharge in violation of public policy. Unrelated to his COVID-19 claims, he also seeks relief for non-payment of overtime wages, meal and rest period violations, failure to provide accurate wage statements, failure to permit inspection of employment records, failure to reimburse business expenses and unfair competition.

Guevara v. Olentangy Pediatrics, Inc. (Franklin County, Ohio)
The plaintiff, a former receptionist for the defendant medical practice, alleges that the defendant discriminated against her because it regarded her as disabled due to her COVID-19-like symptoms. The plaintiff is a 52-year-old Hispanic woman who states that in March 2020 she was wrongfully terminated by the defendant because she allegedly violated the defendant’s COVID-19 policy requiring employees to report their symptoms. The plaintiff claims that she developed a cough and tightness in her chest during her shift, and as a result, went to visit her doctor
during her lunch break. The plaintiff alleges that her doctor examined her, concluded that her symptoms were not related to COVID-19, and cleared her to return to work. The plaintiff claims that she developed a fever after she completed her shift, and that she notified the defendant and stayed home for her next shift. The plaintiff alleges that she was then tested for COVID-19, and the test came back negative. The plaintiff claims that the defendant nevertheless terminated her for allegedly not reporting her symptoms immediately. The plaintiff claims that the defendant violated Ohio disability discrimination law when it terminated her due to a perceived physical impairment. Further, the plaintiff alleges that her termination amounted to race and age discrimination in violation of Ohio law because other non-Hispanic and younger employees were not terminated for failing to report their symptoms.

Deborah Pierce v. Burleson Nursing & Rehab Center Inc. dba AdventHealth Care Center Burleson (Tarrant County, Texas)
The plaintiff claims that her employment as a vocational nurse was wrongfully terminated in May. The plaintiff alleges that, when the pandemic began, the defendant did not communicate with staff about policies or procedures to protect patients and staff members from COVID-19. The plaintiff, who identifies as a 67-year-old asthmatic woman at risk for COVID-19, claims that staff concerns were disregarded. The plaintiff claims that due to the lack of protective measures, she was exposed to COVID-19 and had to self-quarantine. When she returned to work, she found that her employer failed to follow necessary safety protocols and provided false information to the CDC. The plaintiff claims that she was forced to turn in her resignation on April 20 for her safety and well-being. Her supervisor urged her to rescind her resignation, and she agreed, returning to work a few days later. The plaintiff claims that on May 1 she was being moved to the 2 - 10 p.m. shift, but rejected this change, thinking that she was promised the position from which she had previously resigned. When she returned to work on May 4 she learned that she had been replaced by a younger Nigerian woman, though her position had not been posted. The plaintiff alleges that the defendant forced white employees out of their jobs and replaced them with younger employees who are African-American or Nigerian. She claims these replacements were often less qualified, as they were trained at a lower standard of care than is acceptable in the U.S. The plaintiff claims that the defendant also engaged in discriminatory disciplinary practices. The plaintiff alleges discrimination on the basis of race and color, age discrimination, and wrongful termination, all in violation of the Texas Labor Code. The plaintiff seeks damages, and injunctive and declaratory relief.

September 22, 2020
Glenn Capito v. Back’s Construction Inc. (San Diego County, California)
The plaintiff was an assistant superintendent. In February 2019, the plaintiff was diagnosed with Pemphigus Foliaceus, an autoimmune disorder. In March 2020, California’s governor declared a state of emergency due to the COVID-19 pandemic. The defendant informed the plaintiff that its business is considered an “essential business,” and thus would resume operations. The plaintiff claims that he informed the defendant of his need to seek medical clearance from his physician prior to his return to work, given his concern about exposure to COVID-19 due to his autoimmune disease. Per his physician’s recommendation, the plaintiff requested a respirator from the defendant, which the plaintiff alleges the defendant never provided. On April 1, the plaintiff’s physician
placed him on leave until June 30. A few days later, the plaintiff alleges that the defendant took the plaintiff's company phone and credit cards, terminated his health insurance coverage, and gave him an envelope labeled "final pay check," which contained a single check for unused vacation time. When the plaintiff asked whether he needed to apply for unemployment benefits, the defendant informed him that he was not being terminated and that he should not apply for benefits until the defendant told him to do so. The defendant ignored the plaintiff's second inquiry regarding applying for unemployment. At the end of the plaintiff's prescribed leave, he informed the defendant of his ability to return to work, but was told he should not return to work. The plaintiff claims that the defendant was vague throughout his leave as to his employment status, and never officially informed him that he was being terminated. The plaintiff alleges that he was terminated because of his medical condition, request for reasonable accommodations and FMLA and ADA leave. Further, the plaintiff claims he suffered emotional distress as a result.

**Smith v. CHCM, Inc., et al. (Orange County, California)**
The plaintiff, a hospital program aide, brings state law claims for wrongful discharge and disability discrimination based on contracting COVID-19. The plaintiff alleges that while on furlough due to the virus, he became symptomatic and tested positive for COVID-19. He alleges that his supervisor told him not to worry about his employment and to "stay home and recover," but then terminated his employment for job abandonment. The plaintiff alleges wrongful termination in violation of state public policy and violations of the California Fair Employment and Housing Act, including disability discrimination, failure to accommodate, failure to interact in good faith and retaliation. The plaintiff seeks unspecified past and future wages, compensatory and emotional distress damages, punitive damages, attorneys’ fees, costs and interest.

**September 21, 2020**

**Catherine Rodarte v. Cerca Trova Steakhouse LP (Solano County, California)**
The plaintiff was a full-time bartender at the defendant’s location in Vacaville, California. The plaintiff alleges that she never had any performance problems. She also claims that she became pregnant and informed her manager “right away.” Later, in March, all of the defendant’s employees were furloughed due to the COVID-19 pandemic. When the restaurant reopened for business, she alleges that she was the only bartender that was not called back to work, and her manager explained that she was “not being brought back.” The new general manager criticized her attitude and suggested she was not a “team player” who could “do more than one job.” The plaintiff claims that other workers who were brought back worked only the night shift, just as the plaintiff did, and that a coworker with less seniority was brought back. The plaintiff told the new general manager, “I feel like I am being discriminated against,” and brought a claim against the defendant for pregnancy discrimination.

**Perez v. Ceco Concrete Construction (Palm Beach County, Florida)**
The plaintiff sustained a work-related injury causing him back pain for which he filed a workers’ compensation claim. In order to recuperate from his back pain, the plaintiff applied for and took a vacation, which was approved by defendant. “Close to Plaintiff’s last day of vacation, Plaintiff began to feel COVID-19-like symptoms.” The defendant advised the
plaintiff to stay home for another week while he recuperated from his symptoms. While he was recuperating, the plaintiff's wife and children began to suffer from COVID-19 symptoms. As a result, the plaintiff, his wife and their children were all tested for COVID-19 and the plaintiff's wife and his two oldest daughters tested positive. The plaintiff informed the defendant and requested additional time off to care for his sick family members and to take care of his youngest daughter, who he wanted to separate from his wife and daughters who were suffering from COVID-19. In addition, the youngest daughter's childcare provider was unavailable due to COVID-19. At the time of his request, the plaintiff also requested to be transferred to Miami so that he would have additional time to avoid traveling from Miami to Palm Beach for work. The plaintiff's requests were denied and he was terminated two days later. He asserts claims under the FFCRA for violation of his rights to EFMLEA.

_Faskell v. Hawk Trailers Inc._ (Eastern District of Wisconsin)

The plaintiff asserts that in late July, after experiencing COVID-19-related symptoms at work, his supervisor noticed that he was coughing, told him to “go home” and not “come back until [he had] a work release.” From July 30 to Aug. 13, the plaintiff alleges that he self-quarantined because he had COVID-19-related symptoms (among other related reasons) and that the defendant knew that the plaintiff was self-quarantining and trying to get a COVID-19 test. According to the plaintiff, the defendant unlawfully terminated his employment on August 14, because he took FFCRA leave. The plaintiff also alleges that the defendant failed to provide him with emergency paid sick leave under the FFCRA.

_Fisher v. AVIDD Community Services of New Jersey_ (Essex County, New Jersey)

The plaintiff was employed by the defendant, a residential home for individuals with disabilities. Beginning March 14, due to the COVID-19 pandemic, the defendant required all employees to have their temperature taken before entering the facility. On April 15, after the plaintiff had her temperature taken and was cleared to enter the facility, her manager requested to meet with her. At this meeting, the plaintiff claims her manager alleged that another manager had witnessed the plaintiff coughing. The plaintiff denied coughing, but her manager allegedly nonetheless accused her of having COVID-19 and immediately suspended her until she had been tested for COVID-19 and cleared to return. The plaintiff proceeded to get tested and her doctor cleared her to return to work on April 22. However, that same day, the defendant informed the plaintiff she was being terminated and that it would take steps to block the plaintiff's ability to receive unemployment benefits. The plaintiff sued the defendant under the New Jersey law against discrimination for regarding her as suffering from a disability – COVID-19 – and for taking adverse action (i.e., her suspension and termination) based on that perception.

_Mattox v. Neyra Motor Cars, LLC_ (Southern District of Ohio)

The plaintiff, a salesman for a car dealership, alleges unlawful termination in violation of the federal False Claims Act, Ohio public policy, and Ohio law. The plaintiff alleges that the car dealership was approved for a loan from the Paycheck Protection Program established by the CARES Act, “in order to retain 54 jobs.” Around the time the loan was approved, the car dealership “unilaterally changed the amount and method by which it compensated its sales representative as well as the way it documents their compensation.” Specifically, the plaintiff claims that sales
representatives “began receiving ‘settle up’ statements that reflected ‘Payroll Protection’ funds being deducted from their commissions as part of the compensation calculation.” In essence, the plaintiff claims that “while payroll protection funds were paid out in certain months, they were essentially recouped from employees in subsequent months through unauthorized withdrawals from their compensation.” The plaintiff claims that “shortly after receiving changes to his compensation,” the plaintiff approached several managers and “requeste[d] an explanation as to how [his] compensation was being handled.” The plaintiff was told that was “just the way it is” without any further explanation. Through legal counsel, the plaintiff sent a letter to the car dealership identifying issues related to employee compensation and requesting an explanation. The day after the letter was received, the car dealership “summarily terminated [the plaintiff’s] employment.” The plaintiff claims that he was engaged in a protected activity under the False Claims Act by questioning the car dealership’s “potentially fraudulent activity” related to “the use of PPP funds,” and was terminated because of that protected activity.

Wright v. ShrubBucket, Inc. (Cuyahoga County, Ohio)
The plaintiff brings suit claiming wrongful termination and a violation of the state’s whistleblower statute. On March 9, 2020, the defendant hired the plaintiff as an operations manager. The plaintiff’s official start date was March 23. Prior to her start date, the plaintiff alleges that she requested that the defendant order sanitation supplies and personal protective equipment (PPE) for the warehouse due to the COVID-19 pandemic. According to the plaintiff, the defendant claimed it was having difficulty finding these items. On March 22, the state of Ohio issued a stay-at-home order, which ordered all non-essential businesses and operations in the state to cease all activities unless the business could follow social distance guidelines and provide employees with sanitizing products. On March 25, the plaintiff alleges that she was able to find sanitation and PPE supplies but was told by the defendant to hold off on ordering any PPE. Thereafter the plaintiff alleges that she spoke with the defendant’s president, chief operations officer, and an HR employee and complained about the company’s lack of basic safety items required to safely operate the warehouse during the COVID-19 pandemic. The defendant’s HR employees allegedly told the plaintiff “they ‘can’t be paralyzed with fear’ about the virus.” The plaintiff alleges that she was terminated two days after she reiterated her complaints to the defendant’s HR employees. The plaintiff claims that the defendant wrongfully terminated her employment with the company and that the defendant retaliated against her by terminating her employment when she complained that the defendant was not adhering to the state’s guidelines for safe business operations during the COVID-19 pandemic.

September 18, 2020
Cerda v. N.K. Investment, L.P., et al. (San Bernardino County, California)
The plaintiff performed maintenance functions for the defendant, a hotel operator. After a COVID-19-related furlough, the plaintiff returned to work in May. He claims that shortly after his return, he complained to the defendant that his co-workers were not wearing face coverings and were not socially distancing. The plaintiff alleges that he also complained that the defendant negligently exposed employees to coronavirus; specifically, that the workplace had been converted to a “COVID-19 relief” hotel, yet the defendant had not protected workers from entering areas with high amounts of contagious disease. The complaint does not define
“COVID-19 relief” hotel. The plaintiff claims the defendant accused him of overreacting and of being paranoid. The plaintiff requested an accommodation (for his asthma) of not working on the hotel’s COVID-19 relief floors. According to the complaint, after initially granting the plaintiff’s request for an accommodation, the defendant unlawfully terminated his employment a few weeks later because, among other reasons, he complained about workplace safety.

Campbell v. CHHJ Franchising, LLC (Middle District of Florida)
On June 19, 2020, the plaintiff, a sales agent for the defendant, told his boss that he was not feeling well and that he was going to get tested for COVID-19. The plaintiff’s boss allegedly responded that without a doctor’s note, the plaintiff would receive attendance points for absences. The plaintiff was tested for COVID-19 on June 23 and, still not feeling well, informed his boss that he would be staying home from work. On June 26, the plaintiff was terminated. The next day, the plaintiff received his test results showing that he had tested positive for COVID-19. The plaintiff sued the defendant alleging a denial of his rights under the FFCRA, as well as retaliation against him for his assertion of those rights.

Forteau, et al. v. Atlantic Energy, LLC, et al. (Hudson County, New Jersey)
The plaintiffs, the vice president of sales and a sales manager, allege that they were terminated in violation of the New Jersey Conscientious Employee Protection Act. From June 15 to June 30, the plaintiffs “complained to [human resources, the COO, the chief of staff, and to the CEO] that [their employer] was not doing enough to protect its employees from COVID-19; that it was not providing any personal protective equipment (‘PPE’) to its employees; that no safety protocols exist; and that the company wanted its employees to work in confined spaces where the deadly virus can easily transmit.” The plaintiffs allege that in response to one of these complaints, the CEO said, “I’m tired of your f*cking attitude” and then “aggressively hung up the phone.” On July 1, both of the plaintiffs allege they were terminated “because [they] objected to and complained about the company’s failure to protect its employees from COVID-19.” The plaintiffs further allege that “no legitimate, non-retaliatory reason exists for [the defendants] to terminate [their employment].”

Jennae Galan v. O’Reilly Auto Enterprises LLC, et al. (Stanislaus County, California)
The plaintiff, a store manager, claims violations under California’s Fair Employment and Housing Act, on behalf of herself and other similarly situated employees. Specifically, the plaintiff alleges that she informed her supervisor that her husband sought a medical diagnosis for his COVID-19 related symptoms, but that he received a negative test for COVID-19. The plaintiff alleges that, despite not exhibiting COVID-19 symptoms or being exposed to someone with a positive COVID-19 test, her employer unilaterally imposed a 10-day quarantine without pay. The plaintiff alleges that her employer is unlawfully discriminating against its employees whom it perceives as disabled due to COVID-19 and who are associated with persons it perceives to be disabled due to COVID-19, forcing them to take a leave of absence without compensation.

Samuels v. Rancho Reprographics, Inc., et al. (Riverside County, California)
The plaintiff, a billing assistant, alleges, among other things, unlawful retaliation under California law. The plaintiff claims that during the
COVID-19 pandemic, she began discussing with the office manager plans on “how to deal with the stay at home order and her inability to receive child care” and “how to implement working conditions that would maintain compliance with the social distancing restrictions implemented by the State Government and Riverside County officials.” On April 15, 2020, the plaintiff informed the company’s owner that due to the stay at home order, she did not have childcare, and was unable to return to work. The next day, the plaintiff’s employment was terminated. The plaintiff claims she was terminated in retaliation for [the defendants’] refusal to comply with health and safety restrictions required by Government officials, [and in] retaliation for [the plaintiff’s] request pursuant to the Families First Coronavirus Response Act (FFCRA).” The plaintiff alleges that “any other reason that has, or can be, given by [the defendants] for termination of [the plaintiff’s employment] is false and pretextual.”

Amber Harbin v. First Care Management Company, LLC (Western District of Kentucky)
The plaintiff brings suit claiming pregnancy discrimination and wrongful termination. In July 2016, the plaintiff began employment with the defendant, an urgent care clinic, as a nurse practitioner. In December 2019, the plaintiff informed the defendant that she was pregnant. Thereafter, the plaintiff alleges that she was subjected to pregnancy discrimination from the regional manager, medical director, and the CEO. The plaintiff alleges that after she began experiencing pregnancy complications, her doctors recommended that she request shorter shifts, as an accommodation, which the defendant granted. As a result of the COVID-19 pandemic, the plaintiff also alleges that she requested to provide “telehealth” services. According to the plaintiff, the defendant denied this request due to a lack of technical capabilities. On April 2, 2020, the plaintiff alleges that she received an email informing employees that select company employees would be receiving cuts. Later that day, the plaintiff received a call from her superiors notifying her that she was being terminated. The plaintiff alleges that the defendant informed her that the COVID-19 pandemic substantially reduced the volume of medical care provided by the defendant and therefore it was necessary to terminate several employees. The defendant also allegedly stated that the plaintiff was being terminated because she was unwilling to travel in her position unlike other similarly situated employees who are not pregnant. The plaintiff claims that the defendant’s actions amounted to (pregnancy) disability discrimination, sex discrimination, and retaliation.

September 17, 2020
Burgy v. Senator International, Inc., et al. (Northern District of Ohio)
The plaintiff was a production supervisor for a furniture manufacturer. He alleges that on April 2, the company sent an email to hourly, non-exempt employees, including the plaintiff’s direct reports, instructing the employees that only employees with school-age children were covered by paid sick leave under the FFCRA. He claims that the following day, he presented the company with the DOL Fact Sheet regarding paid sick leave under the FFCRA and informed the company that they had misinformed the employees. Specifically, the plaintiff alleges that he informed the company that the DOL Fact Sheet outlined that individuals who were not parents of school-age children were covered by the FFCRA, and he proposed preparing a detailed statement to be provided to employees to properly inform them of their rights. The plaintiff alleges that on April 20, he correctly informed three of his team members of their
rights to take paid sick leave based on his understanding of the DOL Fact Sheet. The plaintiff claims that the same day, a manager called the plaintiff into his office and “accosted” the plaintiff about paid sick leave and asked why the plaintiff had informed his direct reports about their rights under the FFCRA. The plaintiff alleges that the manager called him “the Malcom X of the Coronavirus,” and stated that “someone has to pay for this.” He claims that on April 28, he received a letter terminating his employment due to “business needs.” The plaintiff alleges that the proffered reason for his termination was pretextual, and that he was actually terminated in retaliation for his opposition to the company’s misinformation regarding sick leave under the FFCRA. He brings one cause of action for FLSA retaliation.

Zinns v. Innovative Wellness Center, et al. (Middlesex County, New Jersey)
The plaintiff worked in the billing department for a wellness center. She alleges that the wellness center closed for a period of time due to the COVID-19 pandemic, and that it reopened on Aug. 3. She claims that when she returned to work on Aug. 3, she wore a mask, shield and glasses, in compliance with state executive orders. She alleges that when the chiropractor for the wellness center arrived at work, he violated the executive orders by standing less than six feet away from the plaintiff and not wearing a protective mask. She claims that other workers in the office, including three receptionists, were not wearing masks either. The plaintiff alleges that she asked the workers where their masks were, and they responded that the chiropractor told them that they did not have to wear masks when there were no patients in the office. The plaintiff alleges that she told her coworkers that she might “turn [the chiropractor] into the State.” She claims that she then texted the chiropractor and told him that she needed to have a discussion with him. She alleges that the chiropractor then texted her and abruptly terminated her employment. The plaintiff claims that the text message terminating her employment stated that she had been disrespectful to the chiropractor and his wife and that she had a pessimistic attitude. The plaintiff alleges that the proffered reasons for her termination were pretextual and that she was actually terminated in retaliation for her whistleblowing. She brings causes of action for violation of the New Jersey Conscientious Employee Protection Act and common law retaliation.

September 15, 2020

Davis v. Prague Community Hospital, et al. (Lincoln County, Oklahoma)
The pro se plaintiff, a former human resources manager of the defendants (a community hospital and physician), claims that she was required to work extra hours due to the COVID-19 pandemic from Aug. 9-22, 2020, and that she was fired by defendants due to “working excessive overtime hours.” The plaintiff alleges that the patient census was high and that many employees were unable to work because of illness. The plaintiff alleges that other employees worked excessive hours in the period, but without any adverse reaction from the defendants. The plaintiff claims that she was treated differently than other employees because she was the only African-American woman employed by the defendants and the only African-American woman in a managerial position. The plaintiff therefore claims that her employment was terminated because of race and not as a result of her working overtime.

September 14, 2020
Banville v. Prime Healthcare Management, Inc., et al. (San Bernardino
County, California)
The plaintiff, who was hired by the defendant as its chief nursing officer
during the COVID-19 pandemic, filed a nine-count complaint alleging
wrongful termination, retaliation, intentional infliction of emotional distress,
breach of contract, breach of the covenant of good faith and fair dealing,
promissory fraud, fraud in inducing employment and negligent
misrepresentation. According to the plaintiff, the defendant verbally
offered her the chief nursing officer position at a salary of $225,000 per
year, and she accepted the position and relocated herself and her family
from Colorado to California. The parties then entered into a written
employment agreement. Immediately following her hiring, the plaintiff
received a call from a member of the human resources department who
told her that her position, her role and her base pay had changed. Upon
beginning her employment on her scheduled start date of June 15, the
plaintiff was given little to no orientation, little to no access to technical
resources, limited administrative support, no agenda for her initial weeks
of work or job expectations, no access to policies, procedures or
voicemail, and was told she could not work from home – all of which had
purportedly been promised to her during the hiring process. During her
first week of employment, the plaintiff requested PPE, including an N95
mask, as she knew she would be touring hospitals where COVID-19
patients would be present. After the defendant denied her request, the
plaintiff informed the defendant that the denial violated OSHA rules and
regulations. Shortly thereafter, the defendant terminated the plaintiff’s
employment. The plaintiff alleges her termination breached her
employment agreement, and was in retaliation for her stating that the
defendant’s failure to provide her with proper PPE was an OSHA
violation.

Gill v. Alcona County Commission on Aging (Eastern District of Michigan)
The plaintiff, a direct care worker who worked with the elderly, filed a
two-count complaint alleging that the defendant failed to pay her wages
and terminated her in violation of the Emergency Paid Sick Leave Act and
public policy. According to the plaintiff, after her husband began
experiencing symptoms associated with COVID-19, she texted her
supervisor for direction on whether to report to work. The plaintiff’s
supervisor advised the plaintiff that she should stay home. A day or two
later, the plaintiff texted her supervisor and asked if she should remain off
work while her husband continued experiencing symptoms, and the
plaintiff was again instructed to stay home. Two days later, the plaintiff’s
supervisor asked for an update and the plaintiff responded that she had
become sick, and was experiencing the same symptoms as her husband.
At that point, the plaintiff was told that she should inform her supervisor of
her condition each morning, and the plaintiff responded that she would do
so. The next day, after the plaintiff informed her supervisor that she was
still experiencing symptoms, her supervisor told her she was being
removed from the schedule. When the plaintiff asked if she was being
fired, her supervisor purportedly questioned whether the plaintiff was
taking time off for legitimate reasons. After the plaintiff told the supervisor
that she was not hiding anything and that she was just being cautious out
of a desire to protect her medically vulnerable clients, the supervisor told
the plaintiff she was being terminated due to her absence.

Moreno v. Pain and Disability Institute, P.C., et al. (Hudson County, New
Jersey)
The plaintiff, an x-ray and ultrasound technician, alleges, among other things, unlawful retaliation under the New Jersey Conscientious Employee Protection Act. The plaintiff alleges that during the COVID-19 pandemic, the New Jersey governor issued an executive order requiring medical facilities to be limited to 50 persons, adhering to social distancing guidelines. The plaintiff claims that one day in March, there were at least 82 patients in the facility, and there was "no social distancing or any other safety protocol for the facility." In response, the plaintiff claims she "contacted the Jersey City Department of Health & Human Services," and that the following day "an inspector went to the facility and enforced [social distancing requirements], and usage of PPE." About a week later, the plaintiff called in sick because she was experiencing symptoms of COVID-19, and went to get tested. That same day, the plaintiff claims she made a "complaint to OSHA regarding workplace hazards related to COVID-19." After the plaintiff received a negative test result, the plaintiff alleges she reported to work and was handed a letter indicating that her employment was terminated because there was a lack of ultrasound exams to perform. The plaintiff claims that the purported reason is pretextual, and that the real reason for her termination was her reporting health and safety violations to the Department of Health and Human Services and to OSHA.

**September 11, 2020**

*Bell v. Solon Pointe at Emerald Ridge* (Cuyahoga County, Ohio)

The plaintiff was director of nursing at the defendant’s facility. The plaintiff, who is African-American, alleges that beginning around October 2019, she was singled out for harassment by the defendant’s human resources manager, facility manager and regional manager, all of whom are Caucasian. For example, the plaintiff alleges that these managers would not allow her to perform her job duties, as they overturned disciplines and terminations that she imposed on her subordinates. Additionally, she alleges they yelled at her in front of coworkers. In early March 2020, the plaintiff lodged a number of complaints with the facility manager and the regional manager regarding the COVID-19 pandemic, including: insufficient PPE, insufficient equipment in isolation rooms to care for patients with COVID-19, admitting patients prior to receiving COVID-19 test results, and admitting patients without testing them for COVID-19. The plaintiff alleges that these complaints were ignored. On March 20, the plaintiff was terminated by the facility manager, purportedly for work performance issues. The plaintiff claims she was never informed of any issues with her work performance. Shortly after her termination, the defendant replaced the plaintiff with a Caucasian director of nursing. The plaintiff sued the defendant under Ohio state law, alleging that the reasons given for her termination were pretext for race discrimination. The plaintiff also alleges her termination was in retaliation for her complaints dealing with employee and patient safety in light of the COVID-19 pandemic, thereby violating public policy.


The plaintiff was a medical assistant. She alleges that on March 30 she began feeling ill, and that on April 2 she saw a physician who informed her that her symptoms were consistent with COVID-19 and advised her to self-quarantine for 14 days. Her physician provided her with a note which stated that she had a suspected case of COVID-19 and that she should not work until April 17. The plaintiff claims that she provided the note to
the defendants. She alleges that the following day, on April 3, the defendants sent her a letter terminating her employment “due to the economic and financial crisis as a result of the present national pandemic.” The plaintiff alleges that these grounds were pretextual, and that she was actually terminated because she suffered from COVID-19. To support her theory, the plaintiff alleges that the defendants hired a new staff member shortly after she was terminated. She brings causes of action for discriminatory discharge, failure to provide reasonable accommodation, discrimination and discriminatory discharge.

Joy E. Reuter v. Adams Associates, Inc. (Sacramento County, California)
The plaintiff has worked for the defendant for over five years as a CNA instructor for the defendant’s nursing homes. During her employment, the plaintiff complained of being treated differently due to her age, often receiving comments from supervisors about “people of her generation,” which led her to feel harassed and targeted by her supervisors. (The complaint does not allege to whom the complaints were made.) The nursing homes were shut down due to the COVID-19 pandemic. According to the complaint, the plaintiff went to Alaska to work remotely and visit family, because she felt the living conditions in Alaska were less risky. In March 2020, the defendant contacted the plaintiff and told her that she was required to come in “this afternoon” to “sign something.” The plaintiff requested that the document be sent to her via email, because she was in Alaska. The defendant allegedly asserted that the plaintiff was violating her employment agreement by being in Alaska. The plaintiff contacted human resources who purportedly informed her that she had violated the spirit of her employment agreement, despite the lack of contract language related to remote work. Thereafter, the plaintiff was terminated. The plaintiff alleges that the defendant used the plaintiff’s temporary presence in Alaska as a pretextual reason to terminate the plaintiff for her prior protected complaints about workplace harassment and age discrimination. The plaintiff also brings unrelated claims for wage theft, failure to allow rest periods, unfair competition, failure to furnish accurate wage and hour statements, failure to allow meal periods, and waiting time penalties.

Smalls v. The Mary Wade Home, Inc. (New Haven, Connecticut)
The plaintiff, a licensed practical nurse who worked at the defendant’s nursing home facility, filed a two-count complaint claiming that the defendant terminated her in violation of Connecticut law after she complained about the defendant’s failure to follow its COVID-19 quarantine protocols. According to the plaintiff, the defendant designated one of its floors the “COVID Negative Unit” and another of its floors the “COVID Positive Unit.” Pursuant to the defendant’s protocol, employees who tested positive were assigned to work the COVID Positive Unit, and employees who had tested negative were assigned to work the COVID Negative Unit. On or about May 14, the plaintiff saw her supervisor, who had tested positive and who was experiencing COVID-19 symptoms (including vomiting into a garbage receptacle), enter the COVID Negative Unit. The plaintiff reported her observations to the defendant’s infection control nurse. The next day, the supervisor assigned the plaintiff, who had not tested positive, to work the COVID Positive Unit and told the plaintiff that she (the supervisor who had tested positive) was going to work the COVID Negative Unit. The plaintiff refused the assignment because it violated the defendant’s protocol, and was subsequently told to leave the facility. When the plaintiff was permitted to return to work on May 19, she
received disciplinary action for insubordination. Thereafter, according to the plaintiff, the defendant engaged in a series of retaliatory actions and ultimately terminated her employment.

Taney v. Gaylor, et al. (Danbury, Connecticut)
The plaintiff, a director of community relations for a senior living complex and father to a son with a genetic autoimmune deficiency, alleges that his employment was terminated in violation of Connecticut public policy. The Connecticut governor issued a COVID-19 executive order, scheduled to take effect on March 23, stating "all businesses in the state shall employ, to the maximum extent possible, any telecommuting or work from home procedures that they can safely employ." The plaintiff claims that a salesperson was not considered essential under the order. He alleges that he wrote to the defendant’s human resources manager requesting permission to work from home after discovering one or more cases of COVID-19 at the defendant's facility. The plaintiff reported that his son’s condition makes him vulnerable to COVID-19, so the plaintiff wanted to limit the risk of bringing COVID-19 home to his son. Further, the plaintiff claimed that according to the State of Connecticut, his position was not essential, as he did not directly provide medical care to senior residents. The plaintiff alleges that his employment was wrongfully and maliciously terminated shortly after his request to work from home. The plaintiff claims that he was a non-essential employee and thus he was acting in accordance with public policy when he requested to work from home, and claims that his termination violated Connecticut public policy.

Williams v. Faith Veterinary Clinic Services, LLC, et al. (Middlesex County, New Jersey)
The plaintiff, a veterinary technician, alleges, among other things, unlawful retaliation under the New Jersey Conscientious Employee Protection Act. The plaintiff alleges that “during the COVID-19 pandemic of 2020, the defendants never closed their business” and "made no efforts to protect employees or customers, had no restrictions on the number of people in the waiting area, no protocols for sanitizing, and no protocols for cleaning between patients." The plaintiff claims that this created an unsafe work environment and that she complained about the unsafe work environment to her supervisors. On July 20, the plaintiff alleges that her supervisor informed her that her employment was being terminated because "she did not get along with [the vice-president]." The plaintiff claims that a “determinative and/or motivating factor" in the plaintiff’s discharge was the plaintiff’s reporting of an unsafe work environment.

September 10, 2020
Heath Petersen v. Chaffee's Funeral Livery Service Inc., et al. (Eastern District of Wisconsin)
The plaintiff worked for a funeral transportation services company as a crematory operator. In March 2019, the plaintiff was diagnosed with advanced heart failure and was hospitalized. The plaintiff's cardiologist directed him to self-quarantine due to an increased risk of severe illness from COVID-19 and sent a supporting letter to the plaintiff’s employer. The plaintiff claims that his employer called his cardiologist and badgered him with questions about the plaintiff’s ability to return to work. The employer then allegedly sent an email to the plaintiff demanding that he indicate by April 24 when he could return to work. On April 23, the plaintiff’s cardiologist sent an email to the defendants that included a letter permitting the plaintiff’s return to work with restrictions related to social
distancing, and the plaintiff told his employer that he planned to return to work on April 27. Before the defendants permitted any return to work, they terminated the plaintiff’s employment, citing budgetary concerns. The termination letter included a proposed separation agreement that included a $5,000 severance payment and one week of compensation for accrued but unused vacation. The plaintiff declined to sign the separation agreement. The plaintiff claims that the defendants fired him in retaliation for having to self-quarantine, per doctor’s instructions, and for exercising the plaintiff’s right to paid leave under the EPSLA. The plaintiff claims violations of federal and state wage and hour laws, the EPSLA, and wrongful separation. Unrelated to his COVID-19 claims, the plaintiff also claims that he worked 40-45 hours per week but did not receive overtime. The plaintiff seeks unpaid overtime compensation, unpaid wages, back pay, liquidated damages, fees and costs, and other relief.

September 9, 2020
*Morgan v. Galasso’s Bakery* (Riverside County, California)
The plaintiff was hired by the defendant as a maintenance mechanic. The plaintiff alleges that he requested leave under the Emergency Family and Medical Leave Expansion Act because he was advised to quarantine by his health care provider due to COVID-19, though the complaint does not specify why the health care provider advised him to do so. The plaintiff further alleges that he returned from quarantine leave and was told by defendant that he would not be paid for the two weeks he was off work. He claims the defendant also suspended him, and then terminated him seven days later. The plaintiff claims that these actions amount to wrongful termination in violation of public policy and unlawful retaliation for exercising his right to leave under the EFMLEA.

*Acharya, et al. v. Krishana Corp., et al.* (Placer County, California)
The plaintiff, employed as a dishwasher and “kitchen helper” at an Indian cuisine restaurant, alleges that he was unlawfully retaliated against in violation of California law. The plaintiff alleges that during the COVID-19 pandemic, the plaintiff’s supervisors “required [the plaintiff] to wash single-use disposable plastic plates so that they could be used multiple time to serve food to customers.” The plaintiff claims that he “objected to this practice and complained to [his supervisor] that reusing plastic plates was unsanitary and unhealthy,” especially given the COVID-19 pandemic. The plaintiff alleges that his supervisor ignored his complaints and told the plaintiff to “stop complaining and just do his job because no dishwasher ever complained before about recycling single-use plates.” The plaintiff alleges that in retaliation for his complaint, his hours were reduced and he was subsequently terminated.

The plaintiff, an ophthalmic assistant, filed suit under the ADA and state law against the defendant, an eye clinic. The plaintiff alleges that he suffers from an anxiety disorder, of which the defendant was aware. After the onset of the COVID-19 pandemic, the defendant implemented a mask policy which required employees to wear masks over their faces at all times while at work. The plaintiff alleges that the mask policy exacerbated his anxiety disorder, and that he requested an accommodation so that he did not have to wear a mask all day. The plaintiff alleges that he told the defendant that he would get a doctor’s note supporting his request for an accommodation. According to the complaint, the defendant said that the
plaintiff’s request “will not fly,” and thereafter terminated the plaintiff. The plaintiff claims that the defendant’s failure to accommodate his request violated the ADA and the Pennsylvania Human Rights Act.

_Hiltner v. Quick Motors, Inc._ (Eastern District of Wisconsin)
The plaintiff, an auto body technician employed by a body shop, filed a complaint against his employer alleging claims of retaliation and interference with his exercise of his rights to leave under the FFCRA, EFMLEA, EPSLA and FMLA. The plaintiff alleges that after a brief leave due to a workplace injury to his eye, he returned to work to find that all but one of his job duties had been given to other technicians. His employer advised him that he could seek unemployment. The plaintiff alleges that his employer later offered him maintenance work outside the scope of his employment. On the same day, the plaintiff notified his employer that he needed to make arrangements to care for his minor son, who had a lung condition that made him vulnerable to COVID-19. While on leave to tend to his son, the plaintiff notified his employer that his son’s school was closed due to COVID-19 and sought additional leave and benefits under the FFCRA, including paid sick leave. The plaintiff alleges that his employer terminated his employment and denied him pay or other benefits. The plaintiff seeks an unspecified award of compensatory damages including lost wages and benefits, liquidated damages, interest, and an award of attorneys’ fees and costs.

_Magada, et al. v. Recovery Management Services, LLC, et al._ (Mahoning County, Ohio)
The three plaintiffs were employees of the defendants, and they were each over the age of 40. They allege that when the COVID-19 pandemic began to affect business, the defendants started laying off employees who were over the age of 40. The plaintiffs allege that the defendants perceived employees over 40 to be disabled as a result of being in a high-risk classification for exposure to COVID-19. Each of the plaintiffs alleges that the defendants temporarily laid them off and later sent them letters terminating their employment as a result of “a reduction in clients, reorganization of structure, and a reduction in work force.” Further, each of the plaintiffs alleges that younger employees and employees who were not perceived as being disabled were not laid off and were not terminated, and each alleges that they were replaced by younger employees. They claim that the stated bases for their terminations were pretexts for age and disability discrimination. For example, one of the plaintiffs alleges that on March 30 the defendants sent her a text message asking how old she was, and she informed the defendants that she was 62. She claims that the defendants responded, “You’re borderline high-risk [for COVID-19], plus you’re a smoker.” She claims that on April 3, the defendants placed her on a temporary layoff. She further alleges that on April 3, she trained an employee 25 to 30 years younger than her to be her replacement. She alleges that on April 24, the defendants sent her a letter terminating her employment. The plaintiffs bring causes of action for age discrimination and disability discrimination.

_Vengrove v. Hampshire Regional YMCA_ (District of Massachusetts)
After furloughing the plaintiff due to the COVID-19 public health emergency, the defendant returned her to work on June 16. On her first day back at the workplace, the plaintiff claims she observed that employees were not wearing masks or social distancing, as required by her state’s mandatory safety protocols. The plaintiff allegedly complained to a supervisor and said that she was alarmed, that several of her family
members had recently tested positive for COVID-19, and that she needed to leave work. The plaintiff, who had worked from home during parts of the pandemic, also said she would work remotely. The next day, the plaintiff claims she notified the defendant that she was not feeling well and that her doctor had advised her to self-quarantine for two weeks. She also offered to provide the defendant with a doctor’s note. According to the plaintiff, the head of human resources contacted her that afternoon and advised that the plaintiff would need to attend a telephonic or in-person meeting the following day or the defendant would “take appropriate steps regarding [the plaintiff’s] employment.” The following day, the defendant terminated the plaintiff, but the complaint does not indicate whether the required meeting took place. The plaintiff sued the defendant for violating the FFCRA by terminating her and refusing to grant her supplemental sick leave, and violating state public policies and safety protocols designed to contain the spread of COVID-19 by terminating her for complaining.

**September 8, 2020**

*Tidler v. iAero Airways, et al.* (Jefferson County, Montana)

The plaintiff was a pilot for the defendant. He alleges that during the COVID-19 pandemic, the defendant asked him if he would take a voluntary leave of absence to help mitigate the financial impacts of the pandemic on the company. The plaintiff claims that he respectfully declined to take a leave of absence. He alleges that shortly thereafter, the company terminated his employment. He claims that the company’s stated reason for his termination was that he extended the flaps on an aircraft during a flight, but alleges that a different employee took full responsibility for the incident. He claims that the real reason for his termination was his refusal to take a leave of absence and brings one cause of action for wrongful termination.

*Diaz v. Unity Bancorp, Inc.* (Mercer County, New Jersey)

The plaintiff worked as a personal banker. She alleges that from the time she was hired in May 2019, her assistant manager and other employees subjected her to a hostile work environment due to her Peruvian national origin. On or around April 3, 2020, the plaintiff tested positive for the COVID-19 virus, which she believes she contracted at work due to the defendant not providing adequate PPE. Starting about April 8, the plaintiff took leave under the FFCRA, and was cleared to return to work on April 20. The plaintiff alleges that upon her return to work, the hostile work environment intensified, as she was now “perceived as disabled” since she had been a “carrier of COVID-19.” The plaintiff alleges her assistant manager “ostracized” her, and that coworkers continued to direct hostile remarks at her. For example, coworkers would raise the fact that the plaintiff’s grandmother had died of the COVID-19 virus and state that the plaintiff should have suffered the same fate. The plaintiff alleges that she reported this conduct to the human resources department, but that no action was taken to investigate or remedy the situation. The plaintiff was terminated on May 15, purportedly for having “negative interactions with coworkers.” The plaintiff sued the defendant under the New Jersey Law Against Discrimination, alleging that the reasons given for her termination were pretext for disability and national origin discrimination, and for a hostile work environment based on alleged national origin and disability (i.e. COVID-19) harassment.

*Plummer, et al. v. TGM Distribution, Inc.* (Macomb County, Michigan)
The four plaintiffs were employees for a recreational product manufacturer. They allege that the defendant closed its warehouse operations on March 24 as a result of the COVID-19 pandemic, and that it resumed operations on April 27. Each of the four plaintiffs alleges that they reported safety concerns to the defendant, and that they were terminated as a result of their reports. For instance, one plaintiff alleges that workers were not being required to wear masks or social distance, and that she reported these concerns to the defendant. She claims that she was fired on April 30. Another plaintiff alleges that she contacted the defendant and asked how the defendant planned to keep people six feet apart, and whether masks would be worn. She claims that on April 30 the defendant informed her that she was not required to return to work, and that on May 5 she was fired. Another plaintiff alleges that he emailed the defendant to inform them that he did not feel safe working in an environment in which workers were not wearing masks or social distancing. He claims that he was fired on May 1. The fourth plaintiff alleges that on April 28, he informed the defendant that he would not be reporting to work due to concerns about safety at the warehouse and the risk of contracting and transmitting COVID-19 to a member of his household who is immunocompromised. He claims that he was fired on May 4. The plaintiffs bring a cause of action for wrongful discharge in violation of public policy.

September 4, 2020

Becker v. Carteret Management Corporation dba Rio Vista Village
(Pinellas County, Florida)

The plaintiff, a maintenance worker for an apartment complex, alleges retaliation in violation of Florida’s Private Whistleblower’s Act. The plaintiff alleges that the governor of Florida “issued an executive order instructing the state of Florida to stay home amid the coronavirus pandemic.” Because of the stay at home order, the plaintiff took “the rest of the week off.” That same week, the plaintiff’s supervisor called the plaintiff to discuss his absences from work. The plaintiff claims that he told his supervisor he “was scared to go into occupied apartments due to the COVID-19 pandemic.” The plaintiff and his supervisor agreed that outside vendors would perform needed work inside occupied apartments, and that the plaintiff could work reduced hours by cleaning only the communal areas. Under this understanding, the plaintiff agreed to return to work the following week. The plaintiff claims that the following week, the plaintiff was asked to perform work inside an occupied apartment, so he asked his supervisor for a mask and PPE to protect himself. The plaintiff claims that his supervisor told him that the company was not responsible for providing PPE. The plaintiff informed his supervisor that “he did not feel comfortable going into an occupied apartment without PPEs,” to which the plaintiff did not receive a response. A few weeks later, the plaintiff’s supervisor handed the plaintiff a letter that terminated his employment. The plaintiff claims that he was terminated “shortly after he made numerous complaints to … management regarding the unsafe conditions and lack of PPE relating to COVID-19.”

Kristen A. Morris v. Andrew Sklar; Sklar Law LLC (Cape May County, New Jersey)

The plaintiff suffers from rheumatoid arthritis and alleges that her disability puts her at an increased risk for severe illness from COVID-19. The plaintiff claims that the defendant retaliated against her by terminating her employment when she requested the opportunity to work from home
because of her medical disability during the COVID-19 pandemic. The plaintiff also contends that she objected to conduct she reasonably believed violated the New Jersey governor’s orders concerning workplace operations during the COVID-19 crisis. Specifically, the plaintiff objected to the defendant’s insistence that all employees, with the exception of the defendant’s nephew, continue to work from the office despite the New Jersey governor’s order requiring that employers accommodate their workforce, “wherever practicable, for telework or work-from-home arrangements.” The plaintiff alleges that her objection to working from the office every day without “enhanced” COVID-19 protocols in place, along with her request to work from home, led to her discharge.

Reinhardt v. Clinical & Saraswatikunj Enterprise Incorporated, et al. (Morris County, New Jersey)
The plaintiff, an office manager for the defendant, suffered from asthma and had an asthma attack shortly before the defendant decided to reopen and return its employees to the office on June 19, 2020. On June 25, the plaintiff obtained a doctor’s note indicating that she was high-risk for COVID-19, and that she could not return to work until the end of July or the beginning of August. The defendant communicated to the plaintiff that if she did not return to work by June 29, they would view her actions as resignation, and ultimately communicated to the plaintiff that she was no longer an employee. The defendant also requested COBRA payments for plaintiff’s health insurance, which the plaintiff claims effected her termination. The defendant brings claims for disability discrimination under the New Jersey Law Against Discrimination (LAD), discrimination based on a perceived disability under the LAD, retaliation under the LAD, failure to accommodate under the LAD, and other equitable relief.

Joseph Savino v. Luxury Cars of Southampton Inc. dba Lexus of Southampton; Dina Burns (Suffolk County, New York)
The plaintiff brings suit claiming age discrimination. The plaintiff is a 68-year-old salesperson, and the only “master certified salesperson” employed by the defendants. The plaintiff was laid off after the defendants reduced work operations due to the COVID-19 pandemic, and alleges he was advised he could return to work on June 8. Upon his return to the workplace, the plaintiff discovered that two younger salespeople had returned to work two months prior to his return. The plaintiff alleges that the other two salespeople have since been treated more favorably, because they were permitted to sell to new customers while he was limited to selling only to his existing customer base. He also alleges that he was told he could no longer take appointments with walk-in customers or receive phone or internet leads, and that he was instructed that all walk-in appointments and phone or internet leads were to be directed to the other two salespeople instead. The plaintiff also claims that the defendants have actively denied the plaintiff new customer leads and have diverted sales opportunities from the plaintiff’s existing customer base away from him in favor of the other salespeople, resulting in a decrease in the plaintiff’s compensation. The plaintiff alleges that the defendants’ preferential treatment of its younger salespeople constitutes age discrimination.

September 3, 2020
Cox v. Olde England’s Lion & Rose Rim, LLC et al. (Western District of Texas)
The plaintiff, a bartender, filed a single-count complaint against the
defendants claiming he was terminated in violation of the FFCRA. The plaintiff began experiencing COVID-19 symptoms on July 2. That day, a friend who worked at a laboratory tested him for COVID-19 and told the plaintiff that his test result was positive. The plaintiff notified the defendants that he had tested positive for COVID-19 and that he had been advised to self-quarantine. The defendants subsequently requested proof of his positive test result. The plaintiff then went to a clinic for a rapid COVID-19 test, which also was positive. The plaintiff submitted the results of his rapid test to the defendants. After the plaintiff checked the work schedule and realized he was not scheduled to work, the plaintiff contacted one of his managers for an explanation. According to the plaintiff, the manager told the plaintiff that he had been instructed to terminate the plaintiff and another bartender who had COVID-19. The plaintiff claims that he was terminated because he tested positive for COVID-19 and because he requested time off due to his positive test result and need to self-quarantine, all in violation of the FFCRA.

*Doern v. Big Timberworks* (Gallatin County, Montana)
The plaintiff filed suit against his former employer, a custom metalwork company, for wrongful termination under Montana’s Wrongful Discharge Act. The plaintiff alleges that he has asthma and has school-aged children whose school closed on April 27 due to the COVID-19. The plaintiff alleges that the defendant knew all of these facts. On April 30, the plaintiff requested leave under the FFCRA. That same day, the defendant allegedly had a call with the plaintiff demanding, in a hostile and intimidating manner, that he return to work. The plaintiff thereafter lodged a complaint to the defendant’s ownership about the threatening and intimidating behavior he experienced on the call. Following his complaint, the plaintiff alleges that the defendant fired him despite his positive recent annual review and six-year employment history. The plaintiff therefore asserts a claim for wrongful discharge under Montana law.

*Peeples v. Clinical Support Options, Inc.* (District of Massachusetts)
The plaintiff, a licensed clinical social worker, began working for defendant on March 2, 2020, just before the declaration of the COVID-19 pandemic. Upon declaration of the pandemic on March 18, the plaintiff immediately requested the ability to telework. The plaintiff alleges she engaged in telework from March 18 to June 26 using Zoom, phone and email, was complimented for her performance and received no complaints. However, the defendant insisted that program managers return to the office in May 2020, and after an interactive process and a month of additional telework, the plaintiff was required to return to the office. The plaintiff complains that rather than having disinfectant and hand sanitizer placed on the plaintiff’s desk, this equipment was only available in the defendant’s supply closet, and that defendant supplied KN95 masks rather than N95 masks. The plaintiff also complains that they were constantly dehydrated due to the necessity to never take off the mask. The plaintiff contends that every task performed in the office could have been done virtually, and that the return to the office negatively impacted the plaintiff’s health and the services provided to therapy clients. The plaintiff initially resigned, but when the defendant began allowing parents to work remotely part-time, rescinded that resignation and announced an intent to telework instead. When the defendant explained that the telework accommodation did not apply to managers, the plaintiff nonetheless persisted in the assertion that they would continue to telework beginning on Sept. 8. The plaintiff preemptively filed this lawsuit
prior to that date, presumably to attempt to prevent termination. The plaintiff asserts claims for disability discrimination under state and federal law, and seeks a TRO and preliminary injunction permitting telework pending the outcome of the case.

Marcela Regalado v. Joya Food Enterprises, Inc. dba Vallarta Supermarkets (San Diego County, California)
The plaintiff, a meat dispatcher, claims violations of California law stemming from her termination allegedly for seeking medical treatment out of fear that she had contracted COVID-19. Specifically, the plaintiff alleges that she began to experience COVID-19 symptoms and contacted her medical provider, who instructed her to go home and quarantine until her telemedicine appointment the following day. The plaintiff stated that she informed her manager of her symptoms and that she had accrued 14 hours of paid sick leave that she could utilize. The plaintiff claims that her manager assured her that she would be paid for her two sick days, and directed her to submit a doctor’s note. According to the complaint, she was informed that her symptoms were related to an ear infection and not COVID-19, that she was cleared to return to work, and that a doctor’s statement was faxed to her employer. When the plaintiff returned to work, she alleges that she was directed to meet with management, and was questioned about her absences. The plaintiff claims that management denied receiving a fax from her doctor or that her supervisor approved her to take sick leave, resulting in her suspension pending an investigation into her absences. When the plaintiff was instructed to return to work following the investigation, she was terminated without justification. The plaintiff alleges she was terminated for her purported “disability and requests to use medical leave to which she was legally entitled,” that she was denied an unspecified reasonable accommodation, and that her employer failed to pay her outstanding wages within 72 hours of her termination, in violation of California’s labor code.

September 2, 2020
Tomasini v. Vermont Permanency Initiative Inc. dba Becket Family of Services (Rutland County, Vermont)
The plaintiff, a coordinator who assisted youth in custody of the Vermont Department for Children and Families, claims that the defendant not-for-profit corporation wrongfully terminated her employment. In March 2020, the daycare center which plaintiff’s five-year-old child attended closed indefinitely. At work, the plaintiff struggled to balance child care and her job, as she worked remotely. The plaintiff reportedly reached out to human resources to request reasonable childcare accommodations but was told that the defendant did not qualify for stimulus resources under the CARES Act. On March 26, defendant issued a written warning to plaintiff for an alleged HIPAA violation. The warning alleged that plaintiff violated HIPAA by disclosing client information to a community provider. The plaintiff denies any misconduct and criticizes the defendant’s failure to comply with its own policies, and failure to properly train her on HIPAA issues. On April 10, the plaintiff contacted her supervisor to request family leave until daycare centers reopened, and her employment was terminated. The plaintiff alleges violation of Vermont’s Fair Employment Practices Act, including failure to provide reasonable accommodations – child care and/or remote work. The plaintiff also claims wrongful termination, because the defendant violated its employee handbook. Finally, the plaintiff allegation that the defendant violated Vermont’s Parental and Family Leave Act, which forbids employers from discharging
or otherwise retaliating against employees for taking leave or attempting to take leave under that act.

*Kevin Lisi v. Ahern, Inc.* (Harris County, Texas)
The plaintiff, an operations manager for a rental company, claims he was wrongfully terminated, in breach of his employment contract under Texas law, for purportedly not reporting COVID-19 symptoms and potentially exposing other employees to the virus. The plaintiff alleges that he was originally told by a health care provider that his symptoms were related to allergies and not the virus, although he later tested positive for COVID-19. The plaintiff alleges that when he learned of his confirmed COVID-19 case, he immediately reported it to his employer and was subsequently terminated for failure to timely report his symptoms. The plaintiff alleges that his employer’s “right to discharge [him] did not include contracting, reporting or in any way giving, having or not reporting anything about COVID-19” to his employer. The plaintiff’s claim for damages include attorneys’ fees and costs.

*María Miranda, aka María Pastrana v. Cambro Manufacturing* (Orange County, California)
The plaintiff worked for the defendant, a food container manufacturing company, for 30 years. According to the plaintiff, during her tenure, the defendant promoted her to the position of area supervisor and never gave her a poor performance review. The plaintiff alleges that the defendant used the COVID-19 pandemic and its effect on its operations as a pretext for wrongful terminating and retaliating against her and offering only $826 in severance after 30 years of service. Specifically, she claims that the defendant retaliated against her for seeking workers compensation for a work related injury and accommodations for her resulting disability. The plaintiff also claims the defendant discriminated against her based on her age, because the defendant replaced her with a younger individual. Lastly, the plaintiff alleges that, given her stellar work performance, the defendant had previously promised her that it would only terminate her for cause. Thus, she claims that the defendant wrongfully terminated her in breach of an implied employment agreement.

*Mouat v. Southeast Utilities of Georgia, Inc.* (Middle District of Florida)
The plaintiff, an administrative assistant, sued her employer for violations of the FLSA and FFCRA/EPSLA. The plaintiff claims she “began experiencing symptoms of COVID-19 and also learned that she was previously exposed to an individual who tested positive for COVID-19.” The plaintiff claims she notified the defendant via text message of her symptoms and exposure, and that she planned to be tested for COVID-19. In response, she claims, the defendant allegedly “informed Plaintiff that she should not return to work until she received her COVID-19 test results.” The plaintiff obtained a test on June 15 and was “off from work in quarantine pending her COVID-19 test results and per Defendant’s instructions.” The plaintiff claims she was terminated on June 19 while still awaiting her test results, which ultimately came back positive. She further alleges that she informed the defendant of her positive test result on June 20, the day she received it. The plaintiff claims that under the FFCRA/EPSLA, she was eligible for but did not receive paid leave, and that the defendant “retaliated against Plaintiff for pursuing her rights under the FLSA and the FFCRA by terminating her employment.”

*September 1, 2020*
Veronica Hopkins v. Poelman Construction Ltd., et al. (Sacramento County, California)
The plaintiff, a project engineer, claims violations under California’s pregnancy and disability laws and wage and labor laws. The plaintiff further alleges that in March 2020, she delivered a stillborn baby after 21 weeks of pregnancy and was informed that she had tested positive for COVID-19, though she had not exhibited any symptoms. The plaintiff informed her employer that she had been directed by her health care provider to be off work through April 26. The plaintiff alleges that her employer blamed her for potentially exposing staff to COVID-19, and recommended that she go on disability leave, stating that “unfortunately the position you were hired for [it] is imperative you are at the job site.” The plaintiff claims that despite not being terminated, she was asked to return all company equipment. At the end of her leave, the plaintiff contacted her employer to inform him that she had been experiencing extreme anxiety and depression and that her healthcare provider extended her leave through May 10. The plaintiff alleges that prior to her return to work date, she again followed up with her employer to discuss her return. In response, the plaintiff received an e-mail stating that due to “all this Covid stuff and the changing environment” the defendant needed to terminate her employment. The plaintiff claims she was wrongfully terminated and retaliated against for her use of pregnancy related leave. Unrelated to her COVID-19 claims, the plaintiff alleges that she was classified as exempt even though her duties were secretarial. The plaintiff claims that due to her misclassification as exempt, she was deprived of minimum wages, overtime pay, and pay for meal and rest breaks.

Wadley v. National Railway Equipment Co. (Western District of Kentucky)
The plaintiff, an electrician who was advised to self-quarantine due to health concerns related to COVID-19, filed a three-count complaint against the defendant for alleged violations of the Emergency Paid Sick Leave Act, as well as an equitable estoppel claim. Prior to the COVID-19 pandemic, the plaintiff informed the defendant that he might need time off to care for his mother who had cancer and his son who had PTSD, and asked whether these absences would be problematic under the defendant’s attendance policy. The plaintiff was told by HR that the facility where the plaintiff worked did not follow the attendance point system, and that his supervisor would let him know if his attendance became problematic. After the pandemic hit, the plaintiff’s health care provider advised him to take two weeks off due to COVID-19 concerns. In June 2020, the defendant terminated the plaintiff for attendance issues, without warning the plaintiff that his attendance had become problematic. The plaintiff claims the defendant paid him improperly for the two weeks of EPSL leave, and that the defendant terminated him in retaliation for exercising his right to take EPSL. In addition, the plaintiff claims wrongful termination because he relied on the defendant’s false representation that he would be notified in advance if his attendance became problematic.

August 31, 2020
Balbuena v. True, et al. (Orange County, California)
The plaintiff, a diabetic employee of a privately held real estate, consumer goods, retail, entertainment and private equity concern, alleges state law claims for disability discrimination, failure to accommodate, failure to engage in interactive process and retaliation. She claims her employer and its officers denied her two weeks leave to protect herself and her elderly parents, who were in her care, from COVID-19. The plaintiff
alleges that the defendants, who were aware of her underlying medical condition and her parental care responsibilities, denied her face masks and gloves, did not practice social distancing, and terminated her employment upon her request for leave, under the pretext of a downturn in business. Unrelated to her COVID-19 claims, the plaintiff also alleges various state law wage and hour violations and a PAGA claim – on behalf of all laborers, housekeepers, maintenance workers and independent contractors employed by defendants – for failure to pay overtime, double time, sick pay and unspecified premium pays, and for failure to provide wage statements. The plaintiff seeks unspecified past and future wages, compensatory and emotional distress damages, liquidated and other punitive damages, statutory penalties, attorneys’ fees and interest, and injunctive relief.

Camlin v. Exeter Health Resources, Inc., et al. (Rockingham County, New Hampshire)
The plaintiff, a dental hygienist, alleges that her employment was wrongfully terminated after she took a leave of absence to care for her preschool-aged children. In response to the COVID-19 pandemic, the defendant’s dental office temporarily closed, and the defendants offered the plaintiff the choice of either being reassigned to a newly created position at a hospital or taking a leave of absence. The plaintiff alleges that she had to take a leave of absence to care for her children, whose daycare had shut down. The plaintiff was allegedly terminated for abandoning her position. The plaintiff alleges that the defendants retaliated against the plaintiff for taking leave to care for her children.

Pisciueri v. Desert Dermatology Medical Associates, Inc., et al. (Riverside County, California)
The plaintiff, a licensed cosmetologist and beautician, alleges, among other things, that she was wrongfully terminated and retaliated against in violation of California law. The plaintiff claims that on March 16, she expressed concern to her supervisor and her supervisor’s executive assistant about performing cosmetology work on clients because of the COVID-19 pandemic. The plaintiff alleges that she told her supervisor that because of COVID-19, she would complete her appointments the next day, but would no longer be coming into work. On March 26, the plaintiff’s supervisor’s executive assistant asked the plaintiff if she wanted to handle a client appointment. The plaintiff claims that she declined the work. Despite state and local orders designating esthetician services as non-essential and banning in-person cosmetology work, her supervisor “pressured [the plaintiff] to resume working” while “she was prohibited by law from doing so.” The plaintiff told the executive assistant that the company “was not taking this pandemic seriously.” On June 23, the executive assistant told the plaintiff that “she had to turn in her office key and … shirts with the company logo.” In doing so, the executive assistant “communicated [the plaintiff’s supervisor’s] decision to terminate [the plaintiff’s] employment.” The plaintiff seeks “general and special damages, including emotional distress, anxiety, depression … medical expenses, and past and future lost wages and benefits.”

August 28, 2020
Wise v. Bozeman Deaconess Health Services (Gallatin County, Montana)
The plaintiff, a speech therapist for a non-profit medical provider, alleges state law claims for wrongful termination in violation of public policy and defamation after her employer terminated her employment due to a
workplace altercation involving the plaintiff and other staff members. The plaintiff alleges that during the days of increased COVID-19 infections in the state of Montana, she observed nasal discharge from one of her patients, a minor, and attempted without success to discuss with colleagues the prospect of sending the patient home. The plaintiff alleges that the defendant convened an “incident” meeting about the discussion and then terminated the plaintiff’s employment based on incorrect facts, including that the plaintiff shouted “F**K” three times in front of the minor patient, told a coworker to “shut up,” and slammed a door. The plaintiff claims that when she refused to shake hands at the “incident” meeting, her “Covid-denier” employer said to her, “Oh, you’re one of those people.” The plaintiff claims that the defendant’s representatives told her that she was “in the wrong profession,” and that she “couldn’t handle the stress of health care.” The plaintiff seeks unspecified damages including punitive damages and attorneys’ fees.

Alan Doward v. Down’s North Bakersfield Inc., et al. (Kern County, California Superior Court)
The plaintiff alleges discriminatory age-based termination and failure to hire and retaliation in violation of California Fair Employment and Housing Act (FEHA) and public policy. The plaintiff claims that after he was laid off as a finance manager for the auto dealership Down’s North, due to a COVID-19 business shutdown, his employer refused to let him come back to work and replaced him with a younger person with far less experience. Specifically, the plaintiff was laid off in March 2020, and then noted that operations were partially active in April 2020. At that point, a less experienced finance manager (whose employment had been re-activated) had been installed in his office. In May 2020, the plaintiff discovered that another finance manager had been recalled, while the plaintiff still had not. In June 2020, the plaintiff was told that when business increased he would be considered for re-hire. In July, the plaintiff learned that Down’s North was being acquired by Shelly Automotive Group, which was hiring Downs’ workforce. The plaintiff requested to be on-boarded to guarantee hiring by Shelly Automotive, which did not occur. The plaintiff requests a range of damages, including lost wages and other monetary damages, emotional distress and punitive damages, and attorney fees.

Franks v. Prism Color Corporation, et al. (Burlington County, New Jersey)
The plaintiff, a shift manager for over 20 years, alleges disability discrimination and retaliation in violation of the New Jersey Law Against Discrimination. The plaintiff alleges that on March 19, the plaintiff “woke up feeling ill with flu-like symptoms including a sore throat.” The plaintiff was tested for COVID-19 the same day, and was “instructed by his doctor to quarantine for 14 days or until his test results came back.” The plaintiff notified a co-owner of his employer that his physician instructed him to quarantine while awaiting his test results, and in response the co-owner told the plaintiff to take the following week off. The plaintiff alleges that on March 23, the other co-owner of the company notified the plaintiff that he was laid-off. On May 8, the plaintiff claims he was informed that he was terminated. The plaintiff alleges that a “determinative and/or motivating fact in [the plaintiff’s] termination was Defendants’ perceptions of or regarding [the plaintiff’s] disability and/or potential COVID-19 diagnosis” and the plaintiff’s protected activity of requesting time off as a result of potentially having COVID-19.

Kollie v. Powerback Rehabilitation Moorestown, et al. (Burlington County, New Jersey)
The plaintiff, a social specialist, alleges that she was unlawfully discharged in violation of the New Jersey Conscientious Employee Protection Act (CEPA). The plaintiff alleges that she engaged in CEPA-protected activity when she complained to her supervisor that there was a potential for cross-contamination in the way the defendants were administering COVID-19 temperature checks. Specifically, the plaintiff was concerned that the thermometer was not being wiped or otherwise disinfected between uses. The plaintiff’s supervisor allegedly conveyed that it was “no big deal,” and told the plaintiff that she could bring in her own thermometer if she was concerned. When the plaintiff returned to work, the plaintiff presented her own thermometer, but the nurse informed her that she could not use her own thermometer. The plaintiff alleges that she again expressed her concerns about cross-contamination and was sent home. Later, the defendant called the plaintiff and informed her that they understood her concerns and that a clean thermometer would be provided to her. The next day, the plaintiff complained that the nurse administering the temperature checks was not wearing gloves. The plaintiff expressed her concerns regarding the risk of COVID-19 infection. The defendant then sent the plaintiff home, and later informed her that she was being discharged for job abandonment. The plaintiff claims that her termination was motivated by her CEPA-protected activity.

*Prada v. Trifecta Productions, LLC (dba Tomkun Noodle Bar) (Eastern District of Michigan)*

The plaintiff, the assistant manager of a noodle bar on the University of Michigan campus, filed suit after he contracted COVID-19, was ordered to self-quarantine by the county health department, and was subsequently “unceremoniously fired.” The plaintiff alleges he advised his employer of the order to self-quarantine, and was “interrogated” by his supervisor. The supervisor asked him how he contracted the virus, and “whether he had been out partying and acting irresponsible,” then told him that there was evidence on social media that the plaintiff had been out in a crowd. The supervisor then allegedly told the plaintiff that “for PR reasons it would be best for you not to come back to work,” after which he was terminated. The plaintiff brings claims for interference and retaliation in violation of his rights under the FFCRA, wrongful termination in violation of public policy and a claim under the FLSA for improper tip crediting and misappropriation of service charges.

*Daniel Wilson v. APC Workforce Solutions II, LLC, et al* (Southern District of Ohio)

The plaintiff, a site coordinator at a construction site, claims disability discrimination under federal law, as well as violations for failure to pay overtime under the Fair Labor Standards Act and Ohio law. In March 2020, the plaintiff was overseeing a construction site approximately 100 miles from his home, which required him to stay in hotels during the workweek. Around that time, the plaintiff alleges that his physician informed him that his heart disease, which his employer was apprised of, made him vulnerable to COVID-19 and that he should avoid staying in hotels. As a result, the plaintiff requested a temporary accommodation, which was granted, and he worked from home for approximately three weeks. The plaintiff then resumed his employment, driving from his home to the worksite. The plaintiff alleges that his employer stated that he was not permitted to drive to the site or leave his vehicle at the site, stated that he “didn’t ‘give a s**t’ about [the plaintiff’s] vulnerability to COVID-19” and denied the plaintiff’s second request for an accommodation. The plaintiff
alleges that because he was forced to choose between his health and his job, he submitted two weeks’ notice and a doctor’s statement recommending he continue to commute from home, with the hope that his employer would grant this continued accommodation. The plaintiff alleges that in response to the two weeks’ notice, he was immediately terminated because of his disability.

August 27, 2020

Kishore v. City and County of San Francisco, et al. (San Francisco County, California)
The plaintiff, an individual with physical and mental disabilities, claims, among other things, disability discrimination, harassment, and retaliation in violation of California law. The plaintiff claims she is at high risk of contracting COVID-19 because she has unspecified physical disabilities that limit her ability to breathe. In April 2020, the plaintiff claims that her supervisor asked her if she could “do the Disaster Service Worker (DSW) hall monitor position in the hotels where the City and County of San Francisco was housing COVID-19 patients.” The plaintiff asked her supervisor why she was chosen “for this high-risk assignment when she knew there were other co-workers who were not high risk who were not selected to work the DSW position even though they were trained to do DSW work.” The plaintiff’s supervisor responded that “it was his call and he could decide who went to which position” and “that if she could not work in the DSW position, she would need to send him a signed self-certification document that he provided to her attesting to her inability to work.” The plaintiff claims that she “felt she had no choice but to sign the self-certification document even though she was fully prepared to return to work in a position for which she had been trained and in a position that would not expose her to an even greater risk of COVID-19 than she would experience in her normal position.” She alleges that due to her inability to be reassigned to DSW because of her high-risk status, the plaintiff has been “prevented from working.”

Roveda v. PK Welding, LLC, dba PK Mechanical Services, et al. (Ocean County, New Jersey)
The plaintiff asserts that the defendant terminated him because he expressed concerns about the defendant’s compliance with COVID-19 stay at home orders and social distancing guidelines (among other things). On March 12, 2020, the plaintiff claims that he met with the defendant’s owners, who accused him of “being a problem spotter instead of a problem solver.” The next day, the plaintiff contends he was fired, in violation of state law protecting employee whistleblowers.

Lisa Gould v. Quaker Window Products Company (Osage County, Missouri)
The plaintiff, a factory worker, claims violations under Missouri’s Human Rights Act for unlawful termination based on disability. Specifically, the plaintiff alleges that her employer required all employees to bleach their work stations four times per day due to COVID-19. The plaintiff alleges that she informed her employer that she had a severe bleach allergy which caused difficulty breathing and could lead to anaphylactic shock. The plaintiff alleges that her employer refused to consider or discuss the use of alternative disinfectants to bleach as a reasonable accommodation, and that the only option she was given was to stay at home and use paid-time-off hours (PTO) hours while the plant continued to use bleach. After the plaintiff exhausted all of the PTO she had accrued
August 26, 2020

Laura Hernandez v. California Skin Institute Management LLC (Monterey County, California)
The plaintiff, a long-tenured medical assistant of the defendant medical practice, was diagnosed with thyroid cancer in or about 2017. She claims that, at times, her condition substantially limited her ability to work. As a result of her thyroid condition, the plaintiff reportedly submitted a doctor’s note indicating she needed to be off work through at least April 3, and referenced that additional time may be needed. The plaintiff complains that she became the victim of discrimination when she was unlawfully selected to be part of a group of employees whose employment was “permanently terminated” on or about March 25 in response to the COVID-19 pandemic. The employment of other employees was only temporarily terminated. The plaintiff claims disability discrimination, failure to engage in the interactive process, failure to accommodate, and retaliation in violation of California Fair Employment and Housing Act (FEHA); wrongful termination in violation of public policy; intentional and negligent infliction of emotional distress. The plaintiff requests a range of damages, including lost wages, punitive damages, attorney fees, and other economic damages.

Aldridge v. Carrols Corporation (Western District of Tennessee)
The plaintiff, a real estate manager, alleges gender discrimination in violation of the Tennessee Human Rights Act and breach of contract. The plaintiff alleges that on March 20, her employment was terminated by her employer “due to financial strain stemming from the COVID-19 pandemic.” The plaintiff claims that at the time of her termination, she had three male coworkers who were similarly situated, and that “based on purely objective performance,” the plaintiff “had outperformed all of her male coworkers.” Despite this, the plaintiff alleges that she was selected for termination “while her lower performing male coworkers continued their employment.” The plaintiff claims that her termination constitutes “unlawful gender discrimination in violation of the Tennessee Human Rights Act.”

Dawn Gutsch v. Oak Grove Union School District, et al. (Sonoma County, California)
The plaintiff, a human resource and data systems technician for a school district, claims wrongful termination under California law resulting from her complaints about her employer’s directive to conduct in-person interviews in violation of the county health officer’s stay at home order. Specifically, the plaintiff alleges that the county health officer ordered all businesses to close, with the exception of essential workers. The plaintiff alleges that despite the health officer’s order, she was directed to conduct in-person interviews to hire a principal. The plaintiff stated that she objected to the superintendent’s request, stating that it was “not a good course of action to conduct non-essential in-person interviews in light of the pandemic and the Health Officer’s order.” The plaintiff alleges that the superintendent became “instantly agitated and angry stating that ‘if [the plaintiff] can’t do [her] job, [she] would do it for [her].’” The plaintiff claims that she contacted a neighboring superintendent to speak to the plaintiff’s superintendent in an effort to stop the in-person interviews from occurring. The plaintiff alleges that she then texted the superintendent to inform her
that she would be working remotely pursuant to the county health officer’s order. The plaintiff stated that she not hear from the superintendent until 12 days later, when she received a “terse e-mail” scheduling a Zoom meeting which resulted in her termination. The plaintiff alleges she was terminated due to reporting or complaining about violations of the stay at home order.

*Morrison v. SPS Companies, Inc., et al.* (Western District of Missouri)
The plaintiff was the director of operations for the defendants, and served on the defendants’ COVID-19 task force. He alleges that the defendants obtained the confidential health information of employees, including the identities of employees with preexisting conditions. He claims that the defendants had a goal of using the health information to target employees they believed to be at “high risk” and urge them to stay home and use their personal and vacation leave. The plaintiff claims he learned of the defendants’ plan when he was given a letter that would be sent to “high risk” employees. The plaintiff alleges that he reported his concerns with the letter and stated his opposition to misappropriating confidential health information in phone calls with his supervisor and with human resources. The plaintiff alleges that he informed the defendants that their conduct violated employees’ right to privacy and violated HIPAA. The plaintiff alleges that soon after he reported the defendants’ illegal conduct, he began receiving increased supervision, demands, and negative feedback and criticism. He claims that shortly thereafter, the defendants offered him a separation agreement, or alternatively, a reduced role with reduced responsibility and compensation. The plaintiff claims that he asked for details concerning the alternate role, but was not provided with any, and that the defendants then wrote him and stated that they were accepting his resignation. He brings claims for whistleblower retaliation; retaliation under ERISA and the ADA; breach of fiduciary duty; violations of the Missouri Merchandising Practices Act; negligent hiring, training, and supervision; negligence; and intrusion upon seclusion.

*Petrovski v. Helix Electric, Inc.* (San Diego County, California)
The plaintiff was a 68 year-old electrical estimator. When the COVID-19 pandemic struck in mid-March, the defendant told the plaintiff he would have to work from home. A few days later, the defendant allegedly told the plaintiff that “because of his age,” he was being placed on a temporary layoff until the COVID-19 pandemic was under control. On April 27, the defendant informed the plaintiff he was being terminated (but the complaint does not include the reason(s), if any, given for the termination). The plaintiff alleges that only he and one other employee, who the plaintiff believes is approximately 70 years old, were terminated. The plaintiff sued the defendant under California state law, alleging that his termination amounted to age discrimination and violated public policy.

**August 25, 2020**

The plaintiff, a paralegal, attended a family birthday party in June 2020 and then reported that she had been exposed to someone who tested positive for COVID-19. The plaintiff notified her manager that she needed to be tested and that her doctor had recommended she self-quarantine until she received her test results. The plaintiff alleges that the day after she notified her employer of her need to be tested and self-quarantine, she was terminated without reason. She also alleges that when she went...
for a job interview in the same building as the one housing defendant’s office, she was berated by the defendant for returning to the building. The plaintiff brings two claims one for interference with her rights under the FFCRA and a claim for retaliation under the FFCRA.

**Vliet v. Wolverine Supply, Inc.** (Washtenaw County, Michigan)
The plaintiff, a 68-year-old former bookkeeper and back office employee, filed suit against the defendant for age discrimination and wrongful termination under Michigan state law. The plaintiff alleges that in March 2020, her office was initially closed due to the COVID-19 pandemic, at which time she filed for unemployment benefits, assuming that she would not be paid until the office could reopen. However, the defendant was later deemed an “essential business,” the office reopened, and the defendant informed its workforce that they would continue to be paid. The plaintiff thereafter cancelled her request for unemployment benefits. The plaintiff alleges that after her supervisors found out that she had requested unemployment benefits, they berated her and shortly thereafter, the defendant terminated her. The plaintiff further alleges that she was replaced with a significantly younger employee. The plaintiff therefore claims that her termination violated Michigan’s age discrimination statute, and further that her termination for seeking unemployment benefits violated Michigan public policy. In addition to lost wages, among other monetary damages, the plaintiff seeks injunctive relief to prevent the defendant from “further acts of wrongdoing.”

**Gomez v. Winebow, Inc.** (Hudson County, New Jersey)
The plaintiff was a delivery driver and in late March 2020, began to experience symptoms of COVID-19. At an appointment on April 1, the plaintiff’s doctor told him to stay off work at least until April 3. The plaintiff continued to experience COVID-19 symptoms, and so stayed off work. The plaintiff’s next doctor’s appointment was on April 17, but in the interim, the plaintiff alleges that the defendant’s human resources department sent him “harassing” emails demanding updated notes from his doctor. At his April 17 appointment, the plaintiff’s doctor extended his leave through May 2. After hearing this news, the defendant’s human resources department allegedly demanded contact information for the plaintiff’s doctor. They then informed the plaintiff they had contacted his doctor, that they were scheduling him to work, and that if he was not at work the next day, he would be fired. After a discussion with the plaintiff’s union, the defendant said it would extend his leave to no longer than May 4. On May 1, the plaintiff visited his doctor again and, as he was still experiencing symptoms, his doctor again extended his leave through May 15. The plaintiff alleges that the defendant refused to grant this extension and terminated his employment on May 5. The plaintiff sued the defendant, bringing claims of retaliation for his use of leave under the FFCRA and for requesting an accommodation in the form of extended leave under the New Jersey Law Against Discrimination.

**August 24, 2020**

**Maher v. Nassau Health Care Corporation** (Eastern District of New York)
The plaintiff, former chief financial officer for the defendant hospital, alleges that he was terminated in retaliation for refusing to certify false statements in an application for federal funding. The plaintiff alleges that he was tasked by the defendant with overseeing the preparation of a funding request to the federal government under the CARES Act, based upon the defendant’s provision of healthcare services to COVID-19
patients. As part of this funding request, the defendant was required to identify the number of COVID-19 patients in its care. The plaintiff alleges that after a consulting organization determined the number of COVID-19 patients to be 625, the defendant’s chairman demanded that the plaintiff falsely certify the number of COVID-19 patients to be 900. The plaintiff alleges that the chairman’s rationale was to allow the hospital to obtain more federal funds. After the plaintiff refused to certify the higher number, the hospital submitted the higher amount, and thereafter received $20 million in federal money. The plaintiff alleges that after he sent the defendant a letter regarding his whistleblower claims, his employment was terminated, in breach of his employment contract, which required 365-day notice for a termination without cause. The plaintiff claims that his retaliatory termination is not only a breach of his employment contract, but also a violation of the federal False Claims Act and New York Labor Law.

August 21, 2020
Jeffery Goldman v. Sol Goldman Investments, et al. (Southern District of New York)
The plaintiff, a 69-year old housing litigation attorney, filed this action after he was ordered to return to his office in June 2020, and he provided a doctor’s note indicating that due to the COVID-19 pandemic, he should not return to the office or to court because of his many risk factors. The plaintiff alleges that he is particularly vulnerable because of his age and his proximity to the Sept. 11, 2001, terrorist attack on the World Trade Center. The plaintiff claims that in response to his request to work from home the employer responded, “You are our court attorney!!!! Help!” The plaintiff asserts that his employer was the only company in its office building that fully returned to work, and that a co-worker had developed an asymptomatic case of COVID-19, which he claims would have killed him. Ultimately, the plaintiff claims that because he refused to put his life in danger by coming back to the office, he was terminated and replaced by a much younger employee. He has brought claims for age and disability discrimination and retaliation under New York state and city ordinances.

Satanoff v. Cinder Bar Crosskeys, LLC, et al. (Camden County, New Jersey)
The plaintiff, a sous chef, alleges that he was retaliated against for engaging in protected activity in violation of the New Jersey Conscientious Employee Protection Act (CEPA). The plaintiff alleges that during the COVID-19 pandemic, the defendant converted to takeout-only service and between May and June 2020, the plaintiff “noticed that customers were sitting close together without masks, as required by law,” and that “employees in the kitchen were often not wearing masks.” The plaintiff claims that during the first week of July, the defendant was preparing to open for indoor dining, but “no one from upper management had trained anyone at the restaurant regarding safety procedures.” The plaintiff alleges that other employees were expressing worries about the lack of safety policy,” so he spoke to the general and the CEO about safety issues. He alleges that the CEO stated, “employees should be grateful for how well they have been treated,” and that the “pandemic was ‘overblown,’ that everyone ‘needed to get sick,’ and that the ‘only answer’ is ‘herd immunity.’” The plaintiff claims that on July 11, the CEO and executive chef “terminated [the] plaintiff’s employment” and purportedly told the plaintiff that “he did not have faith in the company,” “was not
backing the company,” and that “the company was now going to ‘cut ties’ with the plaintiff and ‘move on.’” The plaintiff contends that his discharge was motivated in part by his protected conduct under the CEPA.

August 20, 2020

Allison Caskey v. Thomas E Moore D.D.S., P.C. (Jackson County, Missouri)
The plaintiff, an administrative assistant for a dentist’s office, claims wrongful termination under Missouri law. Specifically, the plaintiff alleges that beginning March 12, 2020, she requested to stay home and not work, because she felt unsafe and did not want to work during the pendency of the COVID-19 pandemic. The plaintiff remained at home and filed for unemployment on or around March 16. The employer allegedly interpreted the plaintiff’s application for unemployment as a voluntary resignation and subsequently mailed her final paycheck. The plaintiff alleges that her termination was in violation of public policy because she “followed the stay at home order and remained at home.” The plaintiff further alleges that her wrongful termination resulted in a loss of pay and benefits and emotional distress.

August 18, 2020

Nicoll v. MadgeTech, Inc. (Merrimack County, New Hampshire)
The plaintiff, the defendant’s HR manager, alleges wrongful termination due to her efforts to provide for the safety of employees during the COVID-19 pandemic. When an employee planned overseas travel, the plaintiff suggested that the trips be cancelled to protect employees, but the president denied the request. While the president was in Germany, the plaintiff allowed the employee returning from overseas to work remotely for 14 days. Also during this time, the plaintiff conveyed concerns about workplace safety from multiple managers to the president and advised him that CDC guidance indicated travelers from Germany should self-quarantine for 14 days upon returning to the U.S. The president responded: “I really don’t think you should be at MadgeTech when I am not there.” The plaintiff approved an employee’s request for leave to due to the closing of his child’s school, and asked the president how he wanted to handle pay in such situations. The president responded that he was concerned about how she was handling communications with employees, which he viewed as invoking panic, fear and helplessness. Following stay-at-home orders, the plaintiff emailed the president outlining the company’s options and obligations under new federal laws, and the next day, explained to a VP that the best practice would be to follow the CDC’s recommendations and have as few people at work as possible. The VP told the plaintiff the virus is “just a cold” and instructed her that the president wanted her to work remotely. On March 23, the plaintiff emailed the president about the FFCRA, and advised him that employees might seek to self-quarantine due to underlying health conditions. On March 27, the plaintiff was sent home because the president “couldn’t have the negativity” in the workplace, and when the plaintiff tried to defend her actions, the president terminated her.

Aguilar v. Europa USA, Inc. (Southern District of Florida)
The plaintiff, a restaurant employee, alleges violations of the FFCRA. The plaintiff alleges that he left work because he was suffering symptoms of COVID-19 and was instructed by his employer to get tested and stay home. The plaintiff alleges that he twice tested positive for COVID-19 and self-quarantined, and then tested negative for the virus. The plaintiff
alleges that his employer terminated his employment, replaced him with other workers, and refused to pay him for the paid sick leave he was owed under the FFCRA. The plaintiff seeks an unspecified amount of damages for back pay, liquidated damages, pre-judgment interest, post-judgment interest, compensatory and emotional distress damages, and an award of attorneys’ fees.

Jessica Dailey v. Linkus Enterprises LLC (Kern County, California)

The plaintiff alleges that she was wrongfully terminated as the defendant’s director of communications. According to the complaint, her daughter “suffers from dyslexia and other significant learning disabilities.” The plaintiff alleges that her daughter’s school and daycare closed due to COVID-19, and the defendant granted her two weeks of leave. The day before her leave was to end, the plaintiff informed the defendant of the need to continue her leave “given her daughter’s indefinitely extended school and daycare closures due to Covid-19.” The plaintiff alleges that the defendant terminated her employment the next day, but the complaint does not allege any reasons given for the termination. The plaintiff claims that “termination was in violation of fundamental, basic, and substantial public policies of the State of California, including, but not limited to, the California Fair Employment and Housing Act,” and brings claims for violation of the California Family Rights Act, the FMLA, the FFCRA and the FLSA.

Mejia v. Meadows Ridge Care Center LLC, et al. (Los Angeles County, California)

The plaintiff was a certified nurse assistant at a long-term care facility. She alleges that in early 2020, she and her colleagues began to suffer flu-like symptoms and as information concerning COVID-19 began to spread, some people started wearing masks to work. She alleges that she asked the defendant to provide PPE to its employees, and the administrator of the facility responded by ordering those wearing masks to take them off and warning employees that anyone wearing a mask would be terminated. The plaintiff claims that the facility eventually permitted employees to wear masks, but would not pay for them. The plaintiff further alleges that she and other employees were not told which patients were COVID-19-positive, and that when a colleague contracted COVID-19, the defendant ordered the colleague to continue working as usual and forbade them from informing anyone else. The plaintiff claims that she and her son contracted COVID-19, and that she was forced to use all of her accrued vacation and personal time to take days off while she was ill. She says the defendant told her that she was still expected to come to work while she was COVID-19-positive, as long as she did not have flu-like symptoms for 24 to 48 hours. The plaintiff alleges that she requested medical leave but the defendant told her she would be terminated if she didn’t return to work. The plaintiff claims that she was forced to choose between her life and her job, and thereby forced to resign. She brings various causes of action including discrimination, retaliation, and wrongful termination.

August 17, 2020

Saleba v. Medpace, Inc. (Southern District of Ohio)

The plaintiff, a 67-year-old research assistant, was among the employees laid off by the defendant in mid-April. The defendant told these employees that the layoffs were because of the COVID-19 pandemic and the ensuing economic downturn. The laid-off employees were asked to sign a
severance and release agreement; the plaintiff and several other employees signed his agreement. The plaintiff alleges that older workers were disproportionately impacted by the layoffs, and that one month after the layoffs, the defendant started recruiting younger employees to fill their positions. The plaintiff alleges that he attempted to register for a recruiting event held by the defendant to fill his former position, but the defendant would not permit him to register. The plaintiff brought a collective action for age discrimination under the ADEA, on behalf of himself and all other employees of the defendant “age 40 and over who have been terminated as part of a layoff since January 1, 2020, and as a result of [the defendant’s] unlawful actions.” The plaintiff alleges the release agreements he and other employees signed do not bar this lawsuit, as they purportedly did not comply with the Older Workers Benefit Protection Act, and therefore do not waive the age discrimination claim.

August 14, 2020

Baldyga v. Historical Properties, Inc., et al. (San Diego County, California)
The plaintiff, a general manager for a boutique hotel, alleges that he was retaliated against for following local orders issued by the San Diego Board of Supervisors and San Diego’s mayor regarding the closure of all bars and prohibition of onsite dining in response to the COVID-19 pandemic. The plaintiff alleges that in light of the local orders, he notified the employees that the defendant’s bar and restaurant would temporarily close to “determine the appropriate course of action to be legally compliant with all orders and safety guidelines.” The next day, the plaintiff was informed that his employment would be terminated and that the defendants were making a management change. After the plaintiff’s termination, the defendants informed the restaurant and bar employees that the plaintiff’s decision to “close the restaurant and bar until further notice” was not discussed with the appropriate people, and was premature. The plaintiff alleges that the termination of his employment constituted retaliation for his refusal to keep the restaurant and bar open despite the mandate of the local orders.

Paul Gallagher v. Adams Building Services, et al. (Atlantic County, New Jersey)
The plaintiff, a security guard, claims wrongful termination and retaliation under state and federal law. He alleges that he was terminated after he reported his employer’s refusal to provide him emergency sick pay leave under the Families First Coronavirus Response Act (FFCRA) to the U.S. Department of Labor (DOL). Specifically, the plaintiff alleges that he sought a COVID-19 diagnosis from a medical provider who directed him to quarantine for 14 days. The plaintiff states that during the quarantine he requested emergency sick pay leave under the FFCRA, which his employer refused. The plaintiff claims that only after he contacted the DOL to report his employer’s refusal to provide him with sick paid leave did the employer agreed to provide him leave as requested. The day prior to the plaintiff’s scheduled return to work, the plaintiff alleges that his employer called him and told him not to return, and subsequently terminated his employment. The plaintiff does not allege the purported reasons given by his employer for terminating his employment, he claims the reasons were false, misleading and a pretext for disability or perceived disability discrimination.

Casie Mahon v. Loving Pets Corp., et al. (Middlesex County, New Jersey)
The plaintiff, an invoice specialist, alleges that she was wrongfully
terminated in violation of New Jersey law after she complained about workplace safety. The plaintiff claims that after the governor declared a state of emergency in response to the COVID-19 pandemic, she was permitted to work from home until the week of April 13, when she was told she must return to the office. The plaintiff claims that she expressed concerns about returning to the office to her supervisor, and was ultimately told “that she had no choice and had to return to the office.” When the plaintiff returned to the office, she claims that surfaces were not being disinfected, social distancing was not being observed, and at least three employees had tested positive for COVID-19. The plaintiff alleges she continued to complain to her supervisor about being required to come to the office rather than work remotely, and was told that her only options were to come to the office or use PTO and “unpaid family leave.” After meeting with her supervisor, the plaintiff emailed the owner to explain her decision to use PTO, reiterate her fears about being required to come to the office, and express her belief that the defendant was violating the governor’s stay at home order. The plaintiff claims that she was then laid off “due to lack of work,” which she understood to mean she had been terminated because of her objection to being required to work in the office. The plaintiff brings claims for violation of the New Jersey Conscientious Employee Protection Act and New Jersey public policy.

Ianello v. Methuen Construction Co., Inc. (Strafford County, New Hampshire)
The plaintiff was employed as a superintendent for a construction company. He alleges that an employee he supervised tested positive for COVID-19. The plaintiff claims that when he notified his supervisor, he was instructed to wipe down surfaces on the jobsite, but the defendant had not distributed any directions or protocols for handling a COVID-19 exposure. The plaintiff further alleges that there were several employees who were not regulars on the site and had not been exposed to the COVID-19-positive employee, so he instructed those employees to stay home until they had more information. The plaintiff alleges that the project executive became upset after finding out that the plaintiff sent the unexposed workers home. The following day, he claims, the vice president visited the site and told the plaintiff that his decision to send employees home violated company protocols. The plaintiff alleges that he told the vice president the company had no protocols, and the vice president responded that his actions violated recommendations from the CDC. The plaintiff alleges that at the end of the conversation, he told the vice president that he was considering resigning his employment. The plaintiff claims that evening the vice president left him a voicemail asking if he was still considering resigning, the plaintiff emailed the vice president stating that he had not resigned, and the vice president informed him that the company had accepted his resignation. The plaintiff brings one cause of action for wrongful termination, and claims that the defendant terminated him in retaliation for sending employees home to prevent exposure to COVID-19.

Worthen v. San Tan Montessori (Maricopa County, Arizona)
The plaintiff, a teacher, filed a breach of contract and wrongful termination complaint against her former employer, a Montessori school. The plaintiff alleges that the defendant terminated her after she complained that the school was not taking the proper COVID-19 safety measures. In particular, the plaintiff alleges that she first raised concerns internally about the school’s failure to abide by Arizona public health guidance. She
then voiced her concerns over social media. Shortly thereafter, before the end of the school year, the defendant terminated her employment. In addition to breach of her employment agreement, the plaintiff claims that her wrongful termination was retaliation for raising concerns about workplace safety, in violation of Arizona law. The plaintiff seeks back pay, front pay, punitive and liquidated damages.

**August 13, 2020**

**Rebeor v. 300 Pearl Street Operations, LLC, et al. (Franklin County, Vermont)**

The plaintiff, the senior director of admissions for clinical facilities, alleges that she was constructively discharged and retaliated against in violation of Vermont’s Parental Leave and Family Leave Act and Vermont’s Occupational and Safety Act. She further claims that she was discriminated against because of her disability, severe asthma, in violation of Vermont’s Fair Employment Practices Act. The plaintiff alleges that during the COVID-19 pandemic, her employer failed to “enforce standard pandemic-related safety measures,” as “patients and staff appeared at the facility without facial coverings and masks.” “Because of these circumstances, [the] plaintiff requested permission to work remotely, because she was very worried about exposure [to COVID-19].” The plaintiff alleges that she also provided her supervisor with a doctor’s note indicating that she was “high risk for COVID-19 infection because she has an active asthma condition.” That same day, the plaintiff’s supervisor granted her request to work remotely. The plaintiff claims that she worked remotely for just over a week before the “plaintiff’s supervisor instructed plaintiff to cease working remotely from home and work exclusively from the center.” The plaintiff claims that she presented her doctor’s note indicating that she is “high risk” of contracting COVID-19, but her supervisor “refused to permit [the] plaintiff to work remotely from home, despite her ‘high risk’ condition,” and “gave her the choice of working from the center or employment dismissal.” The plaintiff claims that she was forced to involuntarily resign.

**Heath v. nexAir, LLC (Aiken County, South Carolina)**

The plaintiff worked as a truck driver for the defendant. The plaintiff knew that his supervisor’s son had been exposed to COVID-19 and had been ordered to quarantine, and so he asked his supervisor whether he had informed the defendant’s human resources department of his exposure to the COVID-19 virus via his son. The supervisor responded that he had. The plaintiff, concerned for his safety, called the defendant’s human resources department to inquire whether his supervisor should be at work since he had been exposed to the virus. The human resources department allegedly had no record of having been informed of the supervisor’s exposure. The plaintiff alleges that one week later, he was laid off, and that he was told by a vice president that his layoff was due to lack of work caused by the COVID-19 pandemic. The plaintiff alleges no other employees were laid off around that time, and that a newer employee he had been training was given his position. The plaintiff sued the defendant under South Carolina state law alleging his termination was in retaliation for talking to human resources about his supervisor’s exposure to the COVID-19 virus, in violation of public policy.

**Tuberville v. Sunstates Security, LLC, et al. (Camden County, New Jersey)**

The plaintiff, a security guard, alleges that he was discriminated against
on the basis of a disability, in violation of the New Jersey Law Against Discrimination and New Jersey public policy. The plaintiff alleges that his disability is the contraction of COVID-19. The plaintiff claims that on or about April 16, 2020, he “felt [unspecified] symptoms of the temporarily disabling condition of COVID-19,” and notified his employer. The plaintiff alleges that pursuant to his employer’s instructions and CDC guidance, he quarantined and was tested for COVID-19. Four days later, the plaintiff’s employment was terminated. The plaintiff claims his employment was terminated “because he contracted coronavirus (‘COVID-19’).”

**August 12, 2020**

*Gannon v. Catholic Medical Center* (District of New Hampshire)
The plaintiff was a nursing assistant at a medical center. She alleges that the defendant instructed her to stay off work for several days pending the results of her COVID-19 test, which ultimately came back negative. The plaintiff claims that approximately two weeks later, the defendant terminated her “due to excessive absenteeism.” She alleges that in calculating her absences, the defendant included the days when it had prohibited her from coming to work. Further, the plaintiff alleges that when she was terminated, the defendant failed to provide her with information concerning her right to elect coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA). The plaintiff brings causes of action for wrongful termination and violation of COBRA.

*Richardson v. Sitesol, et al.* (Riverside County, California)
The plaintiff was employed by a general contracting company. He alleges that his initial offer letter stated that he would receive health insurance after 60 days of employment, but that the health benefits were never provided to him. The plaintiff claims that he and other employees began working from home around May 18, 2020, as a result of the COVID-19 pandemic, but that the company asked him to report to work in person starting on July 27. The plaintiff alleges that he wrote the company and told them that he would not report to work in person unless the company provided him with health coverage, as he was concerned he would contract COVID-19 if he reported to work in person and could not cover the medical costs on his own. He claims that the defendant terminated him the following day. The plaintiff brings claims for retaliation and wrongful termination, as well as various wage and hour violations.

**August 11, 2020**

*Stein, M.D. v. Hebrew Home for Aged Disabled dba The San Francisco Campus for Jewish Living, et al.* (San Francisco County, California)
The plaintiff, a “nationally prominent geriatric psychiatrist” for a nursing home and psychiatric hospital, alleges that his employment was terminated due to his age, health, and for requesting an accommodation to practice telemedicine given his high risk of death if he contracted COVID-19. The plaintiff’s role involved seeing patients and providing administrative services to the facility. The plaintiff alleges that the defendants implemented a telecommuting policy in which no patient-facing staff would be allowed to work remotely. The plaintiff was advised by his physician that – due to his age (72) and his cardiovascular conditions – he should shelter in place in his residence and only provide services remotely. The plaintiff alleges that he presented telemedicine options to his employer, but his requests to work remotely were ignored. Instead, the defendants sent the plaintiff a letter threatening termination of his employment and purporting to rely on guidelines from regulatory
agencies and the CDC. The plaintiff alleged that his termination letter stated that his refusal to work on the premises constituted a breach of his services agreement. The plaintiff alleges that his termination was discriminatory and retaliatory.

**August 10, 2020**

*Camarota v. Rehoboth McKinley Christian Health Care Services, Inc.*

(McKinley County, New Mexico)

In early April 2020, the plaintiff learned that he had been diagnosed with COVID-19. He asked his superiors to keep his diagnosis confidential, and each of them allegedly agreed. The plaintiff subsequently discovered through conversations with coworkers that individuals whom he had not told knew about his diagnosis. On April 29, the plaintiff made an internal complaint with the defendant that his COVID-19 diagnosis had been shared in contravention of the defendant’s confidentiality policy and HIPAA. In response to the complaint, two investigations were conducted. The plaintiff believes that these investigations uncovered that his COVID-19 diagnosis was intentionally shared by a certain individual, in contravention of company policy. However, the defendant’s board of directors allegedly ordered yet another investigation, and this third investigation found that any sharing of the plaintiff’s COVID-19 diagnosis by this individual was accidental. Therefore, the individual who allegedly shared the plaintiff’s COVID-19 diagnosis was suspended instead of being terminated. The individual who was suspended for sharing the plaintiff’s COVID-19 diagnosis subsequently filed an internal HIPAA complaint against the plaintiff, which the plaintiff alleges was frivolous. The plaintiff then filed a complaint against this individual for retaliation. The plaintiff was terminated on July 8, allegedly relating to a complaint that had been filed against him months ago, which the plaintiff alleges was resolved. The plaintiff sued the defendant for a common law claim of invasion of privacy for allegedly sharing his COVID-19 diagnosis in contravention of HIPAA. The plaintiff also alleges the given reasons for his discharge are pretextual, and sued the defendant for retaliatory discharge for complaining about its violation of HIPAA.

*Bruce v. Olde England’s Lion & Rose Rim LLC d/b/a The Lion & Rose British Restaurant; Allen Tharp* (Western District of Texas)

The plaintiff, a general manager and bartender at the defendants' restaurant, filed suit alleging violation of the FFCRA and the EPSLA. The plaintiff alleges that he began experiencing symptoms of COVID-19, and because he “had had close contact with two co-workers who had been diagnosed with COVID 19,” the plaintiff “was concerned that he may too have contracted the virus.” He sought testing that day, and quarantined for 10 days while awaiting the results. The plaintiff alleges he was concerned about informing the restaurant’s owner about his possible infection, because the owner “had accused the two co-workers of lying about their diagnoses to get the 4th of July weekend off.” The plaintiff tested negative, but when he asked for an explanation as to why he was not given sick pay during his quarantine, one of the defendants allegedly told him, “I don’t have to pay you. I will pay you when you work.” According to the plaintiff, “just days later,” his employer terminated him, “citing pretextual reasons.” The plaintiff alleges “that he was actually discharged in retaliation for having taken FFCRA-qualifying leave and for having requested FFCRA sick pay for his absences.”

*Summers v. Olde England’s Lion & Rose Rim, LLC, et al.* (Western
District of Texas

The plaintiff, a former bartender at the defendants’ restaurant, filed suit alleging violation of the FFCRA and the EPSLA. The plaintiff alleges that, after a friend and co-worker told him that he had tested positive for COVID-19, he called his supervisor to request the evening off work so that he could get tested. The plaintiff’s supervisor refused, and told the plaintiff to come to work. The plaintiff alleges that he then called the owner of the restaurant, who told the plaintiff not to come to work and get tested. The plaintiff alleges that he was tested for COVID-19, and that the test came back positive. Because of his self-quarantine, the plaintiff states, he did not go to work for several days. The plaintiff alleges that after several days off work, he attempted to log in to the restaurant’s online schedule system, but was denied access. The plaintiff claims that he later found out he had been terminated for not showing up to work. He alleges that his supervisor falsely claimed that he and his friend had faked testing positive for COVID-19 in order to get out of work for a weekend. Based upon these allegations, the plaintiff alleges claims for violation of the FFCRA and EPSLA.

August 9, 2020

Seely v. BGW Animal Health, Inc. dba Old Towne Animal Hospital, et al.
(Sacramento County, California)

The plaintiff, a receptionist at a veterinarian’s office, alleges, among other things, that she was discriminated against on the basis of her mental disability in violation of the California Fair Employment and Housing Act, and that the defendants allegedly refused to honor her request for a reasonable accommodation. The plaintiff alleges that her doctor “placed her off work, on modified activity” due to her exposure to COVID-19. The plaintiff expressed to her supervisor that her anticipated return to work would cause her anxiety. Upon her return to work, the plaintiff alleges she had a panic attack during lunch and that she had to see a doctor. The plaintiff’s supervisor allegedly told the plaintiff that “if she can’t wear a mask,” which was required due to COVID-19, then the plaintiff could not work. The plaintiff visited her doctor who issued a note “placing her off work” for an additional week. Prior to her return to work, the plaintiff requested a desktop fan at her work station, to blow air on her face while she wore a mask, and the defendants agreed. On her first day back to work, and the first day she was able to use the desktop fan, the plaintiff was allegedly terminated and told “something to the effect of: ‘You know how much we really love you, but with your time off, it just isn't going to work out and we have to let you go.’” The plaintiff alleges that her termination was discriminatory and based on her mental disability.

August 7, 2020

Reznick v. Pacific Cardiovascular Associates Medical Group, Inc. (Orange County, California)

The plaintiff worked as a cardiologist for the defendant, a medical group. In March 2020, concerned about the spread of COVID-19, the plaintiff contacted the defendant’s president and explained he was concerned about continuing to work in the office because of his age (65) and medical conditions (hypertension and an aortic aneurysm). According to the complaint, the defendant agreed that the plaintiff could work from home “in any capacity using phone or telemedicine.” After eight weeks,
the plaintiff noticed that the defendant had scheduled him to return to work. The plaintiff informed the defendant that he was not prepared to return to work, because of his wife’s condition, and the defendant allegedly responded that it was “adjusting [the plaintiff’s] schedule accordingly.” Two weeks later, the defendant terminated the plaintiff’s employment, providing no reason. The plaintiff brought suit for, among other things, disability discrimination (based on his disability and his association with a disabled person, his wife); age discrimination (based on his age and his association with an older person, his wife); and retaliation for complaining about workplace safety, with regard to his allegation that the workplace posed a risk to the plaintiff and his wife.

*Alessi v. Miller & Gaudio, PC, et al.* (Monmouth County, New Jersey)
The plaintiff, a paralegal with multiple sclerosis and epilepsy, alleges that her employment was terminated in violation of the New Jersey Conscientious Employee Protection Act (CEPA). Following a firm-wide COVID-19 meeting, during which the plaintiff “inquired about the firm’s ability to telework” and expressed her concerns about the cleanliness of the office and the lack of cleaning products to clean and sanitize it, the plaintiff claims that she continued to inquire about her ability to telework. The plaintiff alleges that she engaged in CEPA-protected activity when, following the governor’s executive order that instructed businesses to accommodate telework where possible, the plaintiff expressed her concern about her health and returning to work. The plaintiff alleges that her employment was terminated because she expressed her concern about returning to work given her medical history and her request to work remotely.

*Anna Solano v. Professional Bureau of Collections of Maryland Inc.* (Arapahoe County, Colorado)
The plaintiff claims wrongful termination in violation of the public policy exception to the at-will employment doctrine. On March 16, 2020, the plaintiff’s co-worker received a phone call from another co-worker who stated that her husband had tested positive for COVID-19. Later that day, the plaintiff learned that another co-worker had gone home sick and that co-worker’s husband had also tested positive for COVID-19. The plaintiff cites employee concerns about safety and the office’s lack of disinfectant wipes or disinfectant cleaner. The plaintiff claims that on the same days she heard of co-workers’ husbands testing positive for COVID-19 and her co-worker going home sick, she began to cough uncontrollably, and that her health suddenly began to deteriorate. The following morning, on March 17, the plaintiff woke up ill, and she took sick days March 17-18. The defendant terminated the plaintiff’s employment on March 19, allegedly after she provided the defendant a note from her doctor stating that she was required to quarantine for 14 days. The plaintiff claims that her employment “was terminated for abiding by state and local guidelines regarding COVID-19,” and that the defendant’s actions were “willful and wanton, and/or were done with malice or with reckless indifference” to her protected rights. The plaintiff seeks economic damages, pre-judgment and post judgment interest, penalties, attorney fees, and other relief.

**August 6, 2020**

*McShea v. Faulkner Volvo* (District of New Jersey)
The plaintiff, a sales manager for an auto dealership, has a young son with a congenital heart defect that makes him particularly high-risk for COVID-19. In March 2020, the plaintiff complained to his boss, the chief
operating officer for the defendant, that he did not feel the defendant was taking the pandemic seriously enough. The plaintiff expressed that he felt he was putting his son at risk by coming to work at the dealership, where many employees were not taking precautions against COVID-19. He asked if he could work remotely, but his request was denied. Then, on March 20, the governor issued a shutdown order which required the defendant to close its doors to the public due to the pandemic. The plaintiff was still required to report in-person for work, even though the dealership was not open to the public. On March 26, the plaintiff again complained about what he felt were inadequate safety measures, and again requested to work remotely due to his son’s susceptibility to COVID-19. Two days later, on March 28, the plaintiff was furloughed, and the chief operating officer allegedly told the plaintiff to “spend his time looking for a new job.” The defendant allegedly terminated the plaintiff before the furlough period ended, and told him that it was for “performance reasons.” The plaintiff was the only manager terminated. The plaintiff sued the defendant, alleging that the reasons given for his termination are pretextual, and that his termination was really retaliation for requesting leave to care for his son under the FMLA and the FFCRA. The plaintiff also makes a claim under the ADA and state law for discrimination based on his son’s disability.

August 5, 2020

Christina M. Joyner & Felicia Ann Harper v. Intermodal Cartage Co., LLC (Middle District of Tennessee)
The plaintiffs, two logistic company employees, brought suit alleging that their employer did not follow required hygienic practices in the workplace in response to COVID-19, terminated them while they were on FFCRA paid sick leave, and discriminated against them because they are women. Both plaintiffs requested paid sick leave, and while on paid sick leave were told that they were being terminated for lack of work. They allege that the defendant permitted “male workers to take leave for COVID issues and to work from home but would not allow Plaintiffs to do so.” The plaintiffs plead claims for violation of the FFCRA requirement to provide paid sick leave; violation of the Tennessee Disability Act; violation of the FMLA; violation of the sex discrimination provisions of the Tennessee Human Rights Act; and failure to pay for accrued vacation pay pursuant to company policy.

Clements v. The Salon People Consulting Group (Pinellas County, Florida)
The plaintiff alleges that he was “terminated with extreme prejudice” in “an ambush fashion” when he told his employer that he had been exposed to COVID-19, was experiencing symptoms and was seeking a diagnosis. He also alleges that his employer “repeatedly demanded to know if Plaintiff was ‘contagious’ before being permitted to return to work,” but that while the plaintiff was “unable to provide particulars regarding whether he was ‘contagious,’” he did inform the defendant of his symptoms. The plaintiff’s sole claim is for violation of the FFCRA. He seeks $53,592 plus attorney’s fees and costs.

August 2, 2020

Branch v. Korman Communities (Eastern District of Pennsylvania)
The plaintiff, a benefits specialist, alleges that her employment was terminated because of her race in violation of Section 1981. On March 10, 2020, a week before the plaintiff and other members of the payroll and
human resources teams began working remotely, the plaintiff claims that two white females were hired to work. Shortly after, the plaintiff was told she was being laid off because of the COVID-19 pandemic. The plaintiff alleges that two days after the layoff, the defendant informed the plaintiff that her position was being eliminated because of the COVID-19 pandemic. The plaintiff alleges that she was the only non-white member of the defendant’s payroll and human resources teams, and that she was the only payroll and human resources team member whose position was eliminated. The plaintiff claims that the elimination of her position was motivated by her race.

July 31, 2020
Switzer v. JRK Residential Group, Inc. (Pierce County, Washington)
The plaintiff was hired on March 12, 2020 as a leasing agent for the defendant. The plaintiff alleges that on March 18, the governor of Washington issued an emergency proclamation prohibiting certain residential evictions, including a prohibition on serving 14-day notices to pay or vacate. The plaintiff alleges that on March 24, management directed her to communicate to residents that rent must be paid on time or late fees would accrue and the residents’ credit would be ruined. The plaintiff alleges that she voiced her objection to these communications. Further, the plaintiff claims that she raised safety concerns and specifically asked the leasing manager if safety masks and gloves would be provided to the staff. The plaintiff claims that on March 31, she again raised safety concerns specifically about giving in-person tours. The plaintiff claims that she was told that “no one is going to sit here and just collect a pay check,” and that the staff needed to “step up their game” or they would be terminated. The plaintiff alleges that on April 9, the defendant issued notices to pay or vacate to residents who owed unpaid rent, in violation of the governor’s emergency proclamation. The plaintiff claims that she was terminated on April 21 in retaliation for raising health and safety concerns and for objecting to the unlawful communications to tenants.

July 30, 2020
Yolanda Owens v. Teeturtel, LLC (St. Louis County, Missouri)
The plaintiff claims wrongful termination under Missouri law, alleging that she was fired for making complaints to her employer about working conditions at the employer’s warehouse. Specifically, the plaintiff contends that in March 2020, the water supply to the warehouse was unexpectedly shut off, preventing employees from washing their hands and creating a safety hazard in light of COVID-19. The plaintiff claims that she notified the defendants of the situation, but received no response, and as a result, “made an executive decision to let the employees go home.” The plaintiff also alleges that a few days after the water shutoff incident, she also complained about the warehouse’s insulation, which had fallen and “was clogging the air vents and exhaust fan.” The plaintiff claims that after making the aforementioned complaints, she was terminated. The plaintiff alleges that her termination was in retaliation for her reports about the working conditions.

July 29, 2020
Karkocinski v. Shelby Pointe Management LLC (Macomb County, Michigan)
The plaintiff, the former director of property management for the defendant property management company, asserts a one count complaint
for allegedly wrongful termination in violation of Michigan public policy. The plaintiff alleges that, although her work duties of in-person property showings to individuals interesting in leasing properties owned by the defendant were non-essential under the governor’s COVID-19 stay-at-home executive order, the defendant required her to continue showing and leasing property in person. The plaintiff alleges that several days after she informed the defendant that she would not violate the governor’s order, the defendant terminated her under the allegedly false pretense that she had failed to show up to work for two consecutive days without notice. The plaintiff thus asserts that she was terminated in violation of public policy and seeks lost wages, compensatory and punitive damages.

Libassi v. Endoscopy Center of Ocean County, P.C., et al. (Ocean County, New Jersey)
The plaintiff, an endoscopy technician, claims that in March 2020, her employer closed its practice and furloughed employees, including the plaintiff, due to the COVID-19 pandemic. At the end of May, the plaintiff’s employer invited its employees to return to work on June 1. The plaintiff informed her supervisor “that she was unable to return to work until the first week of August because her children were home from school and without child care.” The plaintiff’s supervisor allegedly referred the plaintiff to another supervisor, who never responded to the plaintiff’s request for leave. A few days later, the employer communicated to its employees that it was exempt from the EFMLA because it had fewer than 50 employees. The plaintiff inquired again with her supervisor about what type of leave she would be entitled to take. Her supervisor purportedly responded that “her hands are tied” and that if the plaintiff did not return to work, her employment would be terminated. The plaintiff did not return to work and her employment was subsequently terminated. The plaintiff alleges that she was wrongfully terminated in violation of the New Jersey Family Leave Act and EFMLA.

Oldroyd, et al. v. Best Choice Roofing (Montgomery County, Pennsylvania)
The plaintiff, a door to door salesman, was temporarily laid off on March 14, 2020 due to COVID-19. On March 20 he applied for unemployment insurance, and on May 1 his employer was notified of the unemployment insurance claim. Upon learning of the claim, the managing member of the defendant is alleged to have exclaimed “oh that mother*cker I can’t believe he filed for unemployment I am going to fire him,” or words to that effect. He then purportedly sent the plaintiff a text message that the company “has received your application for unemployment and separation. We are sorry to see you go. We thank you for your time with us, and will assist you in finding new employment if you need our help. Have a safe day.” The plaintiff alleges that this was a termination in violation of public policy and seeks monetary damages in excess of $50,000.

Sumeet Nain et al. v. Lynnes Nissan City, Inc. et al. (Essex County, New Jersey)
The plaintiffs, car salespeople, claim wrongful termination under New Jersey law, stemming from their refusal to report to work during the COVID-19 pandemic. The plaintiffs allege that their employer violated the governor’s executive order mandating all non-essential retail businesses
to close their brick-and-mortar stores and that car dealerships could perform only maintenance and repairs, and could only do so by allowing customers to schedule in-person showroom appointments. The plaintiffs allege that they complained about the in-person showroom appointments to their supervisors and to the state of New Jersey, and refused to report to work. The plaintiffs contend that the employer terminated their employment in retaliation for their purportedly protected activity.

Randall v. Garrison Healthcare, LP (Eastern District of Texas)
The plaintiff was the director of social services at a nursing home. She alleges that on April 22, 2020, a resident coughed directly into her face while she was transferring the resident from a bed to a wheelchair. The plaintiff claims that the following week, she was told that the resident tested positive for COVID-19. The plaintiff alleges that on May 1, all employees were tested for COVID-19, and that on May 5, her supervisor called and told her that her test was positive for the virus. She claims that her supervisor told her that she would be paid while off work. The plaintiff alleges that on May 27, she called and requested to return to work on June 8, the date her doctor approved her to return to work. The plaintiff alleges that she was then told that she would have to use her PTO starting from a second negative COVID-19 test. Because the plaintiff’s second negative test was on May 24, she would have been required to use 80 hours of PTO to return on June 8. The plaintiff alleges that she had only accrued 12 hours of PTO, and was therefore required to exhaust it, and was told that she would not be paid for the remaining time she was off work. The plaintiff claims that she informed the defendant that it was legally required to pay her under the FFCRA. She further alleges that on June 5, she texted her supervisor stating that she was ready to return on June 8. She claims her supervisor called her and stated that the defendant was not able to move forward with her employment because she did not return to work when she was able to do so. The plaintiff brings causes of action for violation of the FFCRA and violation of the FLSA.

July 24, 2020
Rodriguez v. SMA Distributors, LLC, et al. (Nassau County, New York)
The plaintiff worked as a manager until her discharge. She alleges that, on or about April 18, 2020, she experienced COVID-19 symptoms while at work and that, pursuant to the governor’s executive order, she notified the defendants that she would need to self-quarantine. A week later, the plaintiff advised the defendants that she had tested positive for COVID-19 and would remain in self-quarantine. She also explained that the executive order required her to have two negative COVID-19 tests before she could return to work. On May 2, the plaintiff informed the defendants that she had tested negative for COVID-19 twice, and that she would be returning to work on May 6. The defendants allegedly responded that they had “already arranged for new help” and “wished her luck.” The plaintiff sued for violations of New York state law, including disability discrimination, failure to accommodate, and retaliation for taking protected leave.

July 23, 2020
Timothy Burkhard v. City of Plainfield et al. (Union County, New Jersey)
The plaintiff, a firefighter, claims racial discrimination under New Jersey state law stemming from a co-worker’s alleged racial comments related to his Asian-American ethnicity. The plaintiff alleges that during a training on COVID-19 attended by the plaintiff’s department, one of the defendants
allegedly made racist comments to the plaintiff about Asians, and asked if the plaintiff had visited Wuhan, China, recently while squinting his eyes. The plaintiff contends that the defendant’s conduct was witnessed by no less than 19 firefighters, including five lieutenants and the fire chief, none of whom objected to the conduct. As a result, the plaintiff claims he was subjected to gross discriminatory conduct resulting in a hostile work environment.

The plaintiff worked as the regional director of facilities at a restaurant franchisee. He alleges that he made a written complaint to human resources detailing that he and his team were required to work in unsafe conditions. Specifically, the plaintiff alleges that he complained that when their worksite was relocated, he and his team were then required to use the restroom and wash their hands at a restaurant next to their office where the general manager had tested positive for COVID-19. The plaintiff complained that the restaurant they were required to use was not closed for deep cleaning and sanitation despite the confirmed diagnosis of the manager. Additionally, the plaintiff alleges that he complained that his team was forced to work long hours as a result of the COVID-19 pandemic, but were not paid any overtime. He alleges that the company informed him that he was being terminated because the company was eliminating his position, but that he was actually fired in retaliation for voicing his concerns about safety and overtime. The plaintiff brings causes of action for retaliation in violation of the FLSA and retaliatory discharge in violation of Illinois law.

_Gates v. Lejeune Motor Company dba Lejeune Honda Cars_ (Eastern District of North Carolina)
The plaintiff, a parts and service manager at an automobile dealership, alleges violation of the FFCRA and the North Carolina Wage and Hour Act. The plaintiff alleges she requested leave due to the closure of her son’s school in response to the COVID-19 pandemic. While on leave, the plaintiff alleges that she worked intermittently both at home and in person, and that she did not receive compensation for the work she performed while on FFCRA leave. The plaintiff was told she would be demoted to the position of service writer due to her alleged poor performance. The plaintiff disputed the data that was used to support her alleged poor performance as inaccurate. The plaintiff alleges that the demotion constituted retaliation for using FFCRA leave and that the defendant violated the North Carolina Wage and Hour Act by failing to pay her earned wages while on leave.

_Otteh v. Sundance Memory Care_ (Harris County, Texas)
The plaintiff was a nurse working for the defendant, an assisted living facility. According to the plaintiff, the defendant’s facility served a primarily elderly population who, it later became clear, was particularly susceptible to the COVID-19 virus. Indeed, the plaintiff alleges that the defendant’s facility was accepting patients who had been hospitalized with COVID-19 and were required to quarantine. In addition, according to the plaintiff, the defendant required its nurses to re-use single-use PPE equipment such as protective gowns. Such PPE equipment was allegedly required to be used by the nurses over multiple shifts, so that different nurses would allegedly have to re-use the same equipment. When the plaintiff refused to re-use single-use PPE, she was terminated. The plaintiff sued the defendant under Texas state law for wrongful termination and retaliation for reporting an alleged violation of the law to the defendant.
July 22, 2020

Delgadillo v. Arthur J. Gallagher Service Company, LLC, et al. (Orange County, California)
The plaintiff, the sole African American employee of the defendant, alleges that she was “discriminated against, harassed, retaliated against and ultimately terminated due to her disability and/or perceived disability, for taking CFRA/FMLA leave, her age, her race/national origin, and for filing for workers’ compensation.” The plaintiff alleges that she took several medical leaves of absence for surgeries related to a serious medical condition, with her first medical leave of absence in 2017. The plaintiff alleges that her supervisor would “continually harass [her] about when she was going to return to work despite being on a medical leave of absence.” The plaintiff claims that when she returned from one medical leave, her workload increased “beyond what a normal employee would be assigned” and that the “increased workload was in hopes for [the] plaintiff to fail and create a pretext in which to terminate her employment.” The plaintiff alleges that she was “subsequently reprimanded for her performance despite being an assigned an unreasonable amount of work.” On May 1, the employer informed the plaintiff that she was being terminated effective May 15, citing “COVID-19 as the reason for her termination.” The plaintiff alleges that the employer’s reliance on COVID-19 as the reason for her termination is pretextual, because the plaintiff was the only employee terminated due to COVID-19.

Voznesensky v. Peninsula Convalescent Associates, LLC dba Carlmont Gardens Nursing Center et al. (San Mateo County, California)
The plaintiff, a nurse educator and supervisor, alleges that her employment was terminated after she tested positive for COVID-19. Before the plaintiff was cleared by her doctor to return to work, the plaintiff’s employment was terminated, allegedly due to a decrease in patient occupancy. The plaintiff claims that before the defendant terminated her employment, she had requested to wear a mask while performing her job. She alleges that the defendant denied her requests and told her that wearing a mask would not be reassuring to the patients. The plaintiff alleges that she was terminated due to her illness, disability and perceived disability of having COVID-19. Based on the same facts, the plaintiff also alleges wrongful termination in violation of California public policy.

July 21, 2020

Vigilance v. Bridge Street Development Corporation, et al. (Eastern District of New York)
The plaintiff, a human resources employee, alleges that she was terminated in retaliation for opposing the defendants’ violation of New York’s COVID-19 stay-at-home order. The plaintiff alleges that despite the fact that other employees performing similar duties to those performed by the plaintiff were allowed to work from home, the defendants refused to allow the plaintiff to work from home. The plaintiff alleges that she was a non-essential employee, and that the defendants’ refusal was a clear violation of New York’s public health order. The plaintiff claims that her request to work from home, and the defendants’ denial, created significant tension between her and the defendants, and that the tension led to the defendants terminating her employment. In addition to her COVID-19 retaliation claim, the plaintiff asserts several wage and hour violations against the defendant, seemingly unrelated to the COVID-19
pandemic. In particular, the plaintiff alleges that the defendants improperly classified her as exempt, and as a result violated both the FLSA and New York Labor Law by failing to pay her overtime wages. The plaintiff also alleges that the defendants violated state law by failing to provide her with accurate wage statements, failing to provide her with proper notice of her wage rate, and failing to pay her the severance owed to her upon termination. Among other things, the plaintiff seeks her unpaid wages, compensatory damages, and attorneys’ fees.

**Corina DePhillips v. Johnson Peerless Inc. (Southern District of Texas)**
The plaintiff, who worked for the defendant (a provider of laundry and dry cleaning services) as a garment presser for the brief period of Feb. 6 through July 15, 2020, claims violations of the FFCRA and the FLSA. Specifically, the plaintiff says that on July 6 she notified her supervisor that she and her husband were experiencing “COVID-like symptoms” (and that “she was feeling very sick, had a bad headache, a bad cough, severe congestion, was feverish, achy, fatigued and having body cramps”). The plaintiff reportedly told her supervisor that she and her husband had been advised by a healthcare professional to self-quarantine. The plaintiff’s husband received test results positive for COVID-19 on or about July 10, and the plaintiff and her husband were advised by the local health department to continue to self-quarantine through at least July 20. The plaintiff claims that when she reported this news to her supervisor, and requested sick leave pursuant to the FFCRA, her supervisor “responded with anger, accusing Plaintiff of lying, telling Plaintiff that she couldn’t possibly be positive for COVID so soon and – completely ignoring the fact that [the plaintiff] was experiencing symptoms – demanded strict proof.” The plaintiff received her COVID-19 positive test result on July 15. When the plaintiff contacted her employer, she was reportedly told that she would “not be paid for the days she was out while experiencing symptoms and waiting for her test results,” and was also fired. The plaintiff alleges wrongful termination, unpaid wages and retaliation under the FFCRA and FLSA, and seeks reinstatement, compensation and benefits, emotional distress damages, punitive damages, and attorney fees.

**Haring v. HD Industries LLC dba Home Instead Senior Care #805 (Multnomah County, Oregon)**
The plaintiff held the position of office manager for the defendant, “a for-profit company that provides in-home senior care services.” She alleges that while she was pregnant, she was demoted “from a management position” to the position of scheduling coordinator, when the defendant’s new ownership was announced. According to the plaintiff, she was demoted due to her pregnancy. She also claims that her prior office manager position would have permitted her to perform her job remotely when the governor issued a stay-at-home order in response to the COVID-19 pandemic. Upon her return from maternity leave, however, the plaintiff was required to return to work in person due to her new scheduling coordinator position, “thereby potentially exposing herself and her newborn child” to COVID-19. The plaintiff refused to return to work in person and alleges she was not permitted to work remotely, but was instead terminated. She brings a claim for pregnancy discrimination in violation of Oregon law.

**Hill and Balzano v. K & D Petroleum, Inc. (Southern District of Indiana)**
The plaintiffs, gas station cashiers, bring a complaint for violations of the FFCRA. The plaintiffs are “close friends and next door neighbors, and
The daughter of one of the plaintiffs “began to exhibit symptoms of COVID-19,” and because both of the plaintiffs “spent significant time” with and “had significant exposure to” the daughter “in the days and weeks” prior to her becoming symptomatic, they reported their potential exposure to the defendant and began to self-quarantine in March 2020. The plaintiffs each sought leave under the FFCRA, but allege that the defendant “violated the provisions of the FFCRA by failing to pay [them] any paid leave whatsoever during each Plaintiff’s period of COVID-19 quarantine.” One of the plaintiffs resigned her employment, while the other planned to return to work in April 2020, but was terminated. The plaintiff claims her termination violated the FFCRA. Wholly unrelated to their claims regarding COVID-19, the plaintiffs bring additional claims for wage and hour violations. The plaintiffs allege that the defendants illegally deducted any cash register shortages from their paychecks, purportedly in violation of the FLSA, and the Indiana Wage Claims Statute. The plaintiffs also claim that the defendant failed to pay them for all hours worked and failed to pay one of the plaintiffs overtime to which she was entitled.

July 20, 2020

Aguilera v. Healthpointe Medical Group, Inc. (Los Angeles County, California)
The plaintiff suffered two separate work-related injuries in 2019—one in March and another in September. Her employer allegedly failed to properly report either injury so that the plaintiff could receive workers’ compensation benefits. The plaintiff was thus forced to seek treatment on her own, and she did so. The plaintiff’s doctor placed work restrictions on her. After she presented these work restrictions to the defendant, the plaintiff’s boss and her co-workers allegedly began harassing her. For instance, the plaintiff’s boss began tracking her work and productivity closely, which he did not do for any other employee. The plaintiff also allegedly suffered jokes and insults about her injuries and accommodations from co-workers, and, although she reported these instances to human resources, nothing was done about it. The plaintiff was laid off on March 27, purportedly as a result of staffing cuts due to the COVID-19 pandemic. The plaintiff alleges this reason was pretextual, and sued the defendant under California state law for unlawful discrimination, retaliation, and harassment based on her alleged disability and her request for workers’ compensation benefits.

Thomasson v. Sentinel Transportation, LLC (Kern County, California)
The plaintiff had suffered from frequent nausea and headaches from the time he started working for the defendant in 2018. He had taken leaves of absence in late 2019 and in April 2020 due to these symptoms. The symptoms worsened in June 2020, and the plaintiff left work early on June 12, allegedly due to severe headaches and nausea. The plaintiff claims that the next day, was a scheduled day off for the plaintiff. The plaintiff scheduled a doctor’s appointment for June 14 for his worsening symptoms, and was advised to stay home from work on June 14 and June 15, in part because the doctor feared the plaintiff may have COVID-19. On June 13, the plaintiff’s scheduled day off, he texted a picture of the doctor’s note requesting that the plaintiff take off June 14 and 15 to the defendant. The defendant approved those two days off for the plaintiff. The plaintiff was diagnosed with diabetes at his June 14 doctor’s appointment, and approved to return to work on June 16. However, when the plaintiff returned on June 16, the defendant
suspended and later terminated his employment, allegedly for providing false information to the defendant. Specifically, the plaintiff had driven to Nevada on June 13 with his brother. According to the plaintiff, however, the trip to Nevada was on his scheduled day off—and he attended his doctor’s appointment the next day as he said he would. The plaintiff alleges the defendant’s stated reason for terminating him is pretextual. Among violations of other laws, he asserts several causes of action under California law based on the defendant’s alleged retaliation for his need to use protected sick leave under the California Family Rights Act, for using his accrued sick leave under the defendant’s policy.

July 17, 2020
Floyd v. Alonzoe Zapp dba Cutting Edge Lawn Care (Southern District of Indiana)
The plaintiff alleges that he sought and received a COVID-19 test and was advised by his doctor to self-quarantine for a week. The plaintiff alleges that the self-quarantine order triggered the defendant’s obligation to provide the plaintiff leave under the Emergency Paid Sick Leave Act (part of the Families First Coronavirus Response Act (FFCRA)). The plaintiff alleges that after the week of self-quarantine, he asked the defendant about reporting back to work, but that the defendant responded that it no longer needed the plaintiff, and terminated his employment. The plaintiff claims that the defendant “took adverse employment actions” against the plaintiff “because of his statutorily protected conduct.”

Ledyard v. JAG-OB, LLC (Orangeburg County, South Carolina)
The plaintiff, a service advisor for a car dealership, alleges that she was wrongfully terminated for self-quarantining, and that she was not paid all wages due upon termination. The plaintiff alleges that when she advised the defendant of what she thought were symptoms of COVID-19, the defendant advised her to get tested and remain quarantined until the results came back. The plaintiff alleges that she voiced her concerns of not being paid during her self-quarantine with her supervisor, but was assured that she would continue to be paid while remaining home. Several weeks later, the plaintiff’s COVID-19 tests returned negative, and she returned to work with a doctor’s note excusing her for the time she spent in quarantine awaiting the test results. On the day of her return, the plaintiff alleges that she was terminated without explanation. The plaintiff alleges further that, despite assurances that she would be paid, the defendant did not pay her on her regular payday. When the defendant finally did pay her, the Plaintiff alleges that her check was more than $1,000 less than the normal amount. The plaintiff claims that her termination violates South Carolina law prohibiting termination of employees for quarantining, and that the reduced pay in her final paycheck violated the South Carolina Payment of Wages Act.

Nasr v. Paul Miller Motors, LLC (Essex County, New Jersey)
The plaintiff worked as a sales representative for the defendant, a car dealership. In March 2020, New Jersey’s Governor declared a public emergency due to the COVID-19 pandemic and issued an emergency stay-at-home order. In response, the defendant closed its business and furloughed the plaintiff. In late April 2020, the defendant recalled the plaintiff to work. After hearing rumors that other employees believed they had COVID-19, the plaintiff obtained a COVID-19 test on May 10, 2020, and worked on May 11 and 12, 2020 while awaiting the results. The plaintiff learned mid-day on May 12 that he tested positive for COVID-19,
and that he should self-quarantine. He left work and notified his manager of his diagnosis and his need to take time off from work. The next day, the plaintiff alleges that members of the defendant’s management team called him at home, asked him about his diagnosis, symptoms, and the reason for being tested. After he explained the circumstances that led him to obtain a COVID-19 test, the plaintiff said he would need to take several weeks off from work. The defendant called the plaintiff the next day and requested proof his positive COVID-19 test, which the plaintiff provided. The next day, the defendant allegedly told the plaintiff it was terminating his employment because he tested positive for COVID-19 and caused the defendant to close for several days to clean the facility and lose money. The plaintiff sued for retaliation in violation of the Families First Coronavirus Response Act, and two New Jersey laws that require employers to provide protected leave to employees who contract COVID-19 and that require employers to accommodate employees who seek a leave as a reasonable accommodation.

_Ruiz v. Ebet, Inc._ (Passaic County, New Jersey)
The plaintiff, an employee in the shipping and delivery division, alleges disability discrimination, perceived disability discrimination, and retaliation in violation of the New Jersey Law, and interference with his rights under the FFCRA. The plaintiff claims that he was hospitalized on March 17 and tested positive for COVID-19, which he alleges constitutes a disability under New Jersey law. According to the plaintiff, he was provided with a doctor’s note excusing him from work until April 16. While the plaintiff was off work, he utilized all of his accrued sick and vacation time. The plaintiff claims that on April 16, the plaintiff again tested positive for COVID-19, and was instructed by his doctor to self-quarantine for another two weeks. The plaintiff alleges that when he returned to work after the two-week quarantine, he was terminated by his supervisor, and that he “was not provided a reason for the termination.” The plaintiff alleges that a “determinative and/or motivating factor in plaintiff’s termination was his disability,” “defendant’s perception that [the plaintiff] was disabled,” “plaintiff’s . . . protected activity;” and “to interfere with benefits plaintiff was entitled to under the FFCRA.”

**July 16, 2020**

_Caro v. The Athenaeum of Ohio_ (Hamilton County, Ohio)
The plaintiff worked as communications director for the defendant. In March 2020, pursuant to the governor’s order, the defendant closed down. The plaintiff is the mother of a 9-year old son, whose school was also closed as a result of the governor’s order. When the defendant announced to its employees it would reopen in early May, the plaintiff reached out to her boss and asked about options for working parents, since her son’s school had closed and she did not have other options to care for him. The plaintiff’s boss allegedly responded that he expected the plaintiff to be at work like everyone else. The plaintiff responded that Congress had passed the FFCRA to cover situations like hers. Rather than responding to the plaintiff’s inquiry about the FFCRA, the defendant terminated the plaintiff the next day, telling her that it was due to a “restructuring” of her position. The plaintiff alleges this reason is pretextual, and sued the defendant for violating the EFMLEA when it denied her request for leave to care for her son, and also for retaliation under the EFMLEA for terminating her after she requested leave.

**July 15, 2020**
Leibensperger v. Weldship Corporation (Lehigh County, Pennsylvania)
The plaintiff was a supervisor at a manufacturer of trailers and ISO containers. He alleges that at the end of March and beginning of April 2020, he made several complaints to the company’s owner as well as the plant manager about the lack of COVID-19-related PPE. The plaintiff alleges that the owner and plant manager told him that the company was not required to provide masks or to require employees to utilize them. He claims that the company eventually began providing masks but did not require employees to wear them and did not provide hand sanitizer or institute any procedures to maintain the cleanliness of the facility. He alleges that 80 to 90 percent of employees did not wear masks. The plaintiff claims that in mid-to-late April 2020, he sent an email regarding his concerns about safety at the facility to the human resources representative. He claims that the human resources representative responded that employees should be required to wear masks and that she would follow up regarding the cleanliness at the facility. The plaintiff claims that nothing was done—that masks were not required and no additional cleaning was performed. He claims that he continued to discuss his concerns with human resources. The plaintiff alleges that in May 2020, the owner contacted him and said that he was tired of him “stirring the pot” and that he was laying the plaintiff off permanently. The plaintiff brings one cause of action for wrongful termination in violation of public policy.

Loeb v. Vantage Custom Classics et al. (Essex County, New Jersey)
The plaintiff, the chief operating officer of the company, filed a complaint against the company and its CEO claiming that he was terminated in retaliation for insisting that the company follow guidelines and executive orders to keep workers safe during the COVID-19 pandemic. According to the plaintiff, his termination violated the New Jersey Conscientious Employee Protection Act. The plaintiff alleges that when he first expressed concerns about COVID-19 and its potential effects in a management meeting that included the CEO, the CEO did not take his concerns seriously. According to the plaintiff, after he continued to express concerns about worker safety, the CEO reluctantly agreed to set up a task force to establish worker safety protocols, but the CEO delayed notifying employees about the protocols because the CEO feared the protocols would encourage workers to stay home. According to the plaintiff, the CEO also resisted the plaintiff’s other efforts to keep workers safe, such as allowing office employees to work from home full-time, refusing to allow temperatures to be taken of workers entering the factory, and not properly notifying employees when a worker tested positive for COVID-19. Shortly after the plaintiff insisted (for a second time) that employees be notified about a worker who tested positive for COVID-19, the plaintiff was terminated.

Mayer v. Vibrant Express, Inc. et al. (Cuyahoga County, Ohio)
The plaintiff, a 67-year-old line haul driver, filed a two-count complaint against the company and one of its supervisors claiming that he was terminated because of his age in violation of the Ohio Civil Rights Act. According to the plaintiff, he was told on April 22, 2020 that he was on temporary layoff due to evolving government recommendations in light of COVID-19. Subsequently, on May 1, 2020, the plaintiff was informed that instead of a temporary layoff, he was being terminated as a result of downsizing. The plaintiff alleges that immediately after his termination, the company continued to hire substantially younger drivers.
July 14, 2020

**Xavier Gomes v. Pitney Bowes, Inc. (District of Connecticut)**

The plaintiff, a machine operator, claims his termination violated the FMLA. In early March, the plaintiff began experiencing COVID-19 symptoms and sought medical treatment. Although the plaintiff’s doctor believed he had COVID-19, due to limited testing available at that time, his doctor instructed him to self-quarantine for two weeks. The plaintiff notified his employer of the diagnosis and quarantined as instructed. Approximately one week into the quarantine, the plaintiff received a letter from his employer notifying him that he was terminated as a result of accruing excess attendance points for his absences. The plaintiff alleges he was retaliated against for attempting to exercise his rights under the FMLA.

**Street v. Arvco Container Corp. (Western District of Michigan)**

The plaintiff worked as a split shift supervisor. In late March 2020, the plaintiff’s healthcare provider diagnosed him as an “unconfirmed positive” for COVID-19 and ordered him to quarantine for seven days. When the plaintiff’s healthcare provider extended this quarantine by an additional seven days (based on an unconfirmed positive phone screening and the plaintiff’s wife’s contact with a confirmed positive person), the defendant terminated his employment, citing a “position elimination.” The plaintiff challenged this explanation as pretextual and threatened to sue. The defendant responded by notifying the plaintiff that he was being furloughed, and that the defendant expected to end the furlough in a month (May). The defendant did not return the plaintiff to his position in May or June, though it returned other employees to work in those months. He brought suit against his employer for, among other claims, violating the FFCRA and wrongfully terminating his employment in violation of public policy.

July 13, 2020


The plaintiffs, two dental hygienists, filed this action alleging that their employer, a dental office, planned to bring them back to work performing dental cleaning in May 2020 after temporarily closing in response to COVID-19. Each of the plaintiffs alleges that they complained that the PPE being provided was insufficient and not in compliance with state standards, and that the dental office was not planning on allowing for additional time between cleaning appointments as recommended. When the two raised these issues, the reopening for hygienic appointments was postponed. Several weeks later, the two plaintiffs heard that the office was going to start with hygienic appointments in late June. When they called to find out if they would be expected to report to work, they were informed that they had been terminated and replaced with other dental hygienists. Each plaintiff pleads two claims: one for violation of Connecticut’s free speech rights; and a second for common law wrongful discharge.

**Summers v. Georgia Behavioral Health Professionals (Northern District of Georgia)**

The plaintiff, a transcranial magnetic stimulation coordinator who suffers from asthma, alleges that her employment was terminated in violation of the ADA. On three occasions, the defendant asked the plaintiff if she could come in to work as a transcranial magnetic stimulation treater, but the plaintiff informed the defendant that she did not feel comfortable...
conducting treatments as she was considered high risk for COVID-19. The plaintiff’s supervisor informed the plaintiff that she was fired for “not being a team player.” The plaintiff claimed that any reason given for the plaintiff’s termination was “a pretext for unlawful discrimination, based on [the plaintiff’s] disability, and retaliation for [the plaintiff] engaging in protected activity.”

**July 10, 2020**

*Blonski v. Gateway Care Center, LLC, et al.* (Monmouth County, New Jersey)

The plaintiff was an employee at a long-term care facility. She alleges that she suffers from lupus, and that during the COVID-19 pandemic, her doctor advised her to take a leave of absence from work because she is at high-risk for COVID-19 complications. Further, the plaintiff alleges that she is the primary caretaker for her four minor children, whose schools and child care centers closed due to the pandemic. The plaintiff alleges that in late March 2020, she contacted the defendant’s human resources director to ask how they were supporting employees who had children at home due to COVID-19-related school closures. She claims that the human resources director responded that she could continue working, stop working temporarily, or use her paid time off. The plaintiff claims that she made a written request to take a leave of absence due to her medical condition and to care for her children. She claims that the human resources director told her that it was fine for her to take time off and to advise the company when she was ready to return. The plaintiff alleges that she was not paid during her leave, as is required by the Families First Coronavirus Response Act (FFCRA). She also claims that approximately one month later, she received a letter from the defendant stating that she was removed from the work schedule due to excessive absences. She alleges that she tried to contact the defendant’s administrator and the defendant’s human resources director, but that her calls were not returned and her employment was thereby terminated. She alleges that her leave of absence was a determinative or motivating factor in her termination, and brings causes of action for violation of the FFCRA and retaliation.


The plaintiff was an operations manager for an insurance company. She alleges that she tested positive for COVID-19 and informed her supervisor that she would need to quarantine for at least 14 days. The plaintiff claims that her supervisor responded with text messages stating that she was required to work from home unless she was hospitalized, and that if she could not work, she would be placed on unpaid leave. The plaintiff alleges that she informed her supervisor that she could not work remotely due to her symptoms, and requested that she be placed on paid sick leave pursuant to the Emergency Paid Sick Leave Act of the Families First Coronavirus Response Act. The plaintiff alleges that the following day, she was terminated due to purported performance deficiencies. She claims that her alleged performance deficiencies were a pretext for her termination, and that she was actually terminated for requesting paid leave. She brings claims for violation of the FFCRA and violation of a clear mandate of public policy.

**July 9, 2020**
Circo v. Thomas E. Moore, D.D.S., P.C. (Jackson County, Missouri)
The plaintiff was an orthopedic assistant for a dentist. She claims that on March 25, 2020, the defendant held a meeting with staff in which the staff were told that if they felt unsafe and did not want to work during the COVID-19 pandemic, they would be granted leave to stay home and that their jobs would not be in jeopardy. The plaintiff claims that she informed the defendant that she planned to remain at home for the duration of the state’s stay-at-home order, because her husband has an auto-immune disease and kidney disease, and because she resides with her minor children. The plaintiff claims that the defendant assured her that her job was secure. She alleges that two days later, she applied for unemployment benefits and was approved. The plaintiff alleges that several weeks later, she received a paycheck from the defendant representing her accrued vacation pay. The plaintiff claims that she then called the defendant, who informed her that her employment had been terminated because they interpreted her application for unemployment as a voluntary resignation. The plaintiff alleges that her choice to stay home while the statewide stay-at-home order was in effect was the reason for her termination, and that the termination was therefore in violation of public policy.

Fitzgerald v. The We Company dba WeWork (Southern District of New York)
The plaintiff sued her employer for retaliation and discrimination in terminating her employment, and alleges that the defendant used the COVID-19 pandemic as a pretext. Beginning in spring 2019, the plaintiff made complaints to human resources against a supervisor for sexual harassment, and had complained about another supervisor for requiring her to work on the same team as the alleged harasser after she had complained of harassment. The plaintiff alleges that the defendant took no action against the alleged harassers. Moreover, the plaintiff informed the defendant in late 2019 and early 2020 that she was experiencing anxiety and depression, due in part to the alleged harassment she was suffering at work. The plaintiff applied for and was approved for intermittent FMLA leave for appointments to treat her anxiety and depression. According to the plaintiff, the defendant exhibited indifference to her alleged disability. In March 2020, the COVID-19 pandemic ravaged New York City, where the plaintiff was employed. The defendant informed the plaintiff that she was being terminated due to the effect of the COVID-19 pandemic and the government shutdown orders on the defendant. The plaintiff brought suit alleging that the defendant used the COVID-19 pandemic as a pretext for disability discrimination and retaliation for her complaints of harassment. The plaintiff also alleges the defendant failed to take adequate remedial measures against her supervisors’ harassment. Finally, the plaintiff alleges FMLA interference and retaliation.

July 8, 2020
Daniel v. ABS Seafood, Inc. (San Francisco County, California)
The plaintiff, a white male employed as a driver, alleges he was discriminated against and retaliated against based on his race in violation of California law. He claims that other employees used derogatory language in reference to him, such as “white boy,” and would say to him “f*** you, Donald Trump’s nephew.” The plaintiff also alleges that when other employees did not want to perform certain jobs, such as driving to
specific companies to pick up specialty items or shoveling snow, the employees deferred the work to the plaintiff and said, "make the white boy do it." The plaintiff claims that he reported the behavior to human resources every month for over two years, "but little to nothing was done to remedy the situation as the harassment continued." The plaintiff alleges that he was "laid off" on March 19, 2020 "under the pretext of COVID-19," but that the real reason he was laid off was his race, because he was the only white driver employed, and no other drivers were laid off at that time.

**Dr. Katherine Grundmann Grundy v. University of Maryland School of Medicine, et al.** (District of Maryland)
The plaintiff, an attending emergency medicine physician, claims discrimination and failure-to-accommodate under the ADA. In response to the COVID-19 pandemic, the university issued a statement related to telework. The statement indicated that all staff members at higher risk of COVID-19 complications would not be required to be physically present on campus, and could arrange telework, use accrued sick or other leave, or receive an excused absence. The plaintiff alleges that because she suffers from asthma and eczema, she is at higher risk for severe illness should she contract COVID-19. The plaintiff provided a physician’s statement to the university, which included a recommendation that she not have direct patient care during the outbreak, and requested permission to telework. During the plaintiff's discussions with the university regarding her requested accommodation, the plaintiff had a breakdown and explained that she was struggling with severe anxiety over contracting COVID-19. The plaintiff alleges that less than an hour after this call, the university advised her, without explanation, that it would not renew her contract for another term despite the fact that her appointment had been consistently reviewed each year during her twenty-one year career. The plaintiff claims that any reasons proffered by the university for the non-renewal of her contract are a pretext for its discriminatory and retaliatory actions against her.

**Hofmayer v. Jewish Senior Living Group, et al.** (San Francisco County Superior Court, California)
The plaintiff, a 72-year-old “Supportive Counselor,” filed claims against his former employer, a senior living facility, alleging various theories of discrimination and retaliation based upon his age and disabilities. The plaintiff alleges that in mid-March 2020, as a result of San Francisco’s COVID-19 shelter-in-place order, the defendant agreed that the plaintiff should perform his counseling duties from home. However, according to the plaintiff, in early April the defendant demanded that the plaintiff return to work in person. The plaintiff alleges that he requested to continue to working remotely, due to the recommendation by his physician given his “advanced age,” but that the defendant rejected this request. The plaintiff further alleges that he attempted to engage in an interactive process in order to find a reasonable accommodation, but claims that the defendant did not meaningfully participate. Thereafter, the plaintiff was placed on “Indefinite Unpaid Personal Leave of Absence,” which the plaintiff alleges amounts to a constructive termination. The plaintiff asserts claims under California state law for age discrimination, disability discrimination, failure to provide a reasonable accommodation, failure to engage in the interactive process, failure to prevent discrimination, retaliation, and constructive discharge. Notably, the plaintiff also asserts violations of the California Labor Code for the defendant’s alleged nonpayment of wages,
Vorkoper v. Tech M3, Inc. (San Diego County, California)
The plaintiff, an executive administrator, alleges among other things that she was subjected to a hostile work environment and wrongfully terminated in violation of California public policy. The plaintiff claims that on or about Feb. 20, 2020, she became ill with a non-contagious sinus infection and requested two days of sick leave to recover. She claims that when she returned to work, she provided her supervisors with medical documentation reflecting her diagnosis, but her supervisors “proceeded to harass and discriminate [the plaintiff] by falsely accusing her of carrying COVID-19.” For example, the plaintiff alleges that “every time [the plaintiff] sneezed or coughed in the office, [her supervisors] loudly heckled [the plaintiff] in front of coworkers stating, ‘Stay away from me!’ and ‘You have the corona!’” The plaintiff claims that on one occasion, her supervisor loudly yelled in front of coworkers, “This whole outbreak started with [the plaintiff’s] cough!” The plaintiff alleges that when she arrived to the office on or about March 17, a coworker expressed her sympathy stating, “I am so sorry you were fired.” The plaintiff walked into her supervisor’s office to ask about her employment status, and was informed that her supervisor intended to fire her that day but had forgotten to tell her, and that her “termination was necessary to ‘protect the workplace’ from her illness.” The plaintiff claims that her supervisors’ conduct of falsely accusing her of carrying COVID-19, coupled with the false accusation that the plaintiff started the COVID-19 pandemic, constitutes “discriminatory, retaliatory, and harassing” conduct. She alleges that the real reasons she was terminated were because of her requests to use accrued sick leave, her reporting of workplace complaints, and to avoid having to pay her with stock options that would be due to her in the near future.

July 5, 2020
Peralta v. Eton Street Restaurant, Inc. dba Big Rock Chop House (Eastern District of Michigan)
The plaintiff worked as a manager at a high-end steak house. In mid-March, Michigan’s governor issued an order requiring all restaurants to close, save for takeout orders, in response to the COVID-19 pandemic. According to the plaintiff, her general manager told employees they should file for unemployment but kept them working nonetheless. Most employees accepted this arrangement, whereby they worked for free while collecting unemployment, but the plaintiff refused. On March 19, the plaintiff began experiencing COVID-19 symptoms and told the general manager that she felt she should stay home. The general manager purportedly told the plaintiff to come in anyway. The next day, the plaintiff was still experiencing symptoms, and the general manager told her not to come in “until [the general manager] had some plan from the owners.” A week later, the plaintiff informed the general manager she was feeling better and inquired about a return to work. Three days later, the general manager told the plaintiff to “hang tight.” The plaintiff heard nothing from the defendant until the general manager called her on May 26 and informed her she was being terminated. The ownership had allegedly told the general manager she had to make cuts and that she “had to take care of the people that had been there over the last three months with her.” The plaintiff sued the defendant under the FLSA and Michigan state law, alleging she was retaliated against for her refusal to perform unpaid work. She also sued the defendant for violations of the FFCRA, alleging she
was not given paid leave when she was experiencing symptoms of COVID-19, was not reinstated to her former position when she recovered, and was retaliated against. Finally, the plaintiff alleges the defendant violated public policy when it terminated her for her refusal to work without pay while collecting unemployment.

July 2, 2020

Jones v. Kentuckiana Curb Company, Inc. (Jefferson County, Kentucky)
The plaintiff, who has diabetes and high blood pressure, alleges that the defendant violated the Kentucky disability discrimination statute when it failed to accommodate him and terminated his employment because of his disability or his perceived disability. The plaintiff also alleges that he is entitled to relief because he relied to his detriment on the defendant’s promise to return him to work after he took leave during the COVID-19 pandemic. In early April 2020, the defendant began to offer employees leave under its coronavirus time-off policy. Due to his immune-compromised health conditions, the plaintiff believed taking leave might be the safest option for him, but wanted to ensure that his job would be available upon his return to work. According to the plaintiff, after three management officials assured him that his position would be available to him upon his return from leave, on April 6 he applied for and subsequently took leave under the coronavirus time-off policy. On May 1, the plaintiff received a phone call telling him that his position was no longer available and that he was terminated. According to the plaintiff, other employees who were not disabled or perceived as disabled took coronavirus leave and were returned to work.

Whitney Stevens and Regina Stewart v. Ubiquis Reporting Inc., et al. (Southern District of New York)
The plaintiffs, a government contract account manager and an administrative assistant, claim they were terminated as a result of their race in violation of Section 1981 and New York State Human Rights Law. The employer’s stated reason for downsizing was slow business caused by the COVID-19 pandemic. However, the plaintiffs allege that their terminations were actually due to their race, because the employer later hired back all non-minority employees who had been terminated, but did not hire back three of the company’s five minority employees, including the plaintiffs.

July 1, 2020

Cox v. Dotson DDS (Hillsborough County, Florida)
The plaintiff, the defendant’s office manager, alleges she was terminated in violation of the Florida Private Whistleblower’s Act. She alleges that from March 17 through April 30, the plaintiff and other employees were furloughed by her employer. The plaintiff claims that she filed for unemployment benefits with a retroactive date of March 17. On or about April 26, the plaintiff received a group text message from her supervisor informing the team of a staff meeting on May 1, to address a return to work and the changes due to COVID-19. The plaintiff attended the staff meeting and returned to full-time employment on May 4. The next day, the defendant presented the plaintiff with a check stating it was a bonus check for coming back to work. However, the pay stub for the paycheck stated it was for 40 hours worked in the period of April 17 through 30; the dates the plaintiff was furloughed and receiving unemployment benefits. As the office manager, the plaintiff alleges that she received complaints
The plaintiff requested that her supervisor correct the payroll records and issue a new check for all employees. The plaintiff made this request so that she could accurately report her time and wages for unemployment benefits. In response, the owner of the company stated that "the paycheck is actually part of the Paycheck Protection Program, and not a bonus. If you don't want the check provided, then give it back to me and I will pay you for the (2) hour staff meeting you attended on May 1, 2020." Later that day, the plaintiff alleges, the owner called and terminated her employment, purportedly for opposing and refusing to falsify her time records.

Constance v. Hollybrook Golf and Tennis Club Condominium, Inc. (Southern District of Florida)
The plaintiff, an employee at a “55 and older” residential community, sued his employer for retaliation under the Emergency Paid Sick Leave Act (EPSLA, part of the Families First Coronavirus Response Act). The plaintiff alleges that he was experiencing COVID-19 symptoms and advised the defendant that the other employees should know. Shortly after, the plaintiff received a positive COVID-19 test result, and was given isolation orders by his doctor. The plaintiff alleges that the defendant instructed the plaintiff not to tell the employees or residents of the positive COVID-19 test result. The plaintiff alleges that his supervisor texted him, instructing him not to discuss his medical situation with any residents because it was not appropriate, and that the defendant was “seeing more and more residents thinking they can ask inappropriate questions about employee health specifics.” Upon the plaintiff’s return from leave, he was terminated. The plaintiff alleges that his termination was in retaliation for taking sick leave.

June 30, 2020
Adler v. Starboard Group Management, Co. Inc., et al. (Broward County, Florida)
The plaintiff was the defendant’s vice president of legal affairs and human resources, until she was terminated on June 1, 2020. The plaintiff asserts that her supervisor sexually harassed her and she complained to the CEO, who responded by “ratifying” the harassment. The plaintiff also alleges that the CEO ordered her to contact the employer’s “creditors, landlords, vendors, and suppliers and claim that the company could not meet its financial obligations because it had not received [Paycheck Protection Program] funding.” The plaintiff asserts that the statements were false, because the company received almost $9 million in PPP benefits. According to the plaintiff, the CEO diverted roughly $1 million of PPP funds to finance his new home in Montana, and directed the plaintiff to characterize certain personal employees in Montana as corporate employees. The plaintiff contends that she complained to her supervisor about these actions because she understood them to amount to fraud against the SBA and U.S. government. Among other causes of action, she asserts that the defendants violated Florida’s Private Whistle Blowers Statute by firing her for, among other things, engaging in protected conduct by objecting to “delivering fraudulent claims to creditors.”

June 29, 2020
Queponds v. Ordway Corporation (Orange County, California)
The plaintiff, a 60-year old male whose “national origin/race is Hispanic,” brings a six-count complaint for violations of California law after
exhausting his administrative remedies. The plaintiff alleges that in 2016, he began experiencing discrimination by supervisory and managerial employees “on the basis of his national origin/race and age” in a variety of ways, including: insulting the plaintiff in front of customers, “falsely criticizing [the plaintiff’s] performance,” providing the plaintiff “with old equipment,” not providing the plaintiff with “necessary training updates” or “new assignments,” and not inviting the plaintiff to “necessary conferences” or “out-of-state repairs.” The plaintiff claims that he made complaints, but that nothing was done to address the purported discrimination, that the discrimination continued, and that he was terminated in retaliation. The plaintiff alleges that he was told that “he and three other employees were terminated due to COVID-19.” However, the plaintiff alleges that the reason provided was a pretext for discrimination and retaliation, because the other employees “were returned to work and plaintiff was replaced by a non-Hispanic individual under the age of 40.” The plaintiff claims wrongful termination in violation of public policy, race and national origin discrimination and retaliation, age discrimination and intentional infliction of emotional distress.

Escobar v. City of California City, et al. (Kern County, California)
The plaintiff was a general services worker for California City’s department of public works. He alleges that during the COVID-19 pandemic, the city required him to attend a meeting of approximately 20 employees, in violation of the county’s public health order. He claims that at the meeting, he complained about unsafe working conditions and health and safety violations by the city. The plaintiff alleges that his complaints included that the city failed to properly sanitize equipment and vehicles, failed to provide employees with proper safety equipment, and failed to implement social distancing requirements. He also alleges that he complained that the city was failing to protect the health of its essential employees because the city was not limiting work calls to actual emergencies. He further alleges that he complained that the city made it impossible to follow social distancing guidelines (because it required employees to ride together in the same vehicles), and that the city was violating California OSHA regulations. The plaintiff alleges that after making these complaints, he was sent home. He claims that later the same day, he was told to report to human resources, where he was terminated. According to the plaintiff, the city claimed that he was being terminated because he failed to pass his probationary period. The plaintiff alleges that this supposed reason was a pretext for his termination, and that he was actually terminated as a result of his complaints. He brings causes of action for discrimination, retaliation, failure to prevent discrimination and harassment, and wrongful termination in violation of public policy.

Handel-Orefice v. New York Presbyterian Hosp. et al. (New York County, New York)
The plaintiff, a physician who was in the last few months of a maternal fetal medicine fellowship program, filed a complaint against the defendants seeking an order requiring the defendants to provide an expedited review of the decision to terminate her hospital privileges and her enrollment in the fellowship program. In addition, the plaintiff seeks at least $15,000,000 in damages due to her termination. The plaintiff alleges that she was singled out and placed on an intensive corrective action plan due to her race and national origin following a patient care incident. On March 13, 2020, when the defendants began to require the plaintiff to
administer COVID-19 swab tests to patients arriving for care, the plaintiff requested an N95 respirator because she was concerned for her safety and the safety of her patients. After the hospital denied her request for an N95 respirator, the plaintiff contacted the associate director of the fellowship program (on March 15) as well as other hospital administrators (on March 16 and 17) to express her concern for the safety of the patients and her own safety. On March 18, 2020, the plaintiff was designated as the COVID tester on the labor and delivery floor. The plaintiff performed the COVID-19 tests as required, without an N95 respirator, and three patients tested positive. On March 19, several other fellows expressed concern about the increased risk of exposure for the plaintiff and the patients due to the requirement that plaintiff conduct all the tests on the labor and delivery floor during her shift without an N95 respirator. On March 20, the defendants terminated the plaintiff's hospital privileges, as well as her employment and her participation in the fellowship program.

Hoffman v. Providence Health & Services Washington (Spokane County, Washington)
The plaintiff, a doctor, sued his employer for disability discrimination and wrongful termination in violation of Washington law. The plaintiff alleges that he had been granted an accommodation to use alternative masks prior to COVID-19, because the defendant's supplied masks caused him to have oral and throat irritation and swelling. The plaintiff alleges that because he was required to work at other locations for the defendant, he kept a supply of masks in his car. The plaintiff alleges that shortly after he complained to the defendant's administration about the COVID-19 preparedness and areas for improvement, his supervisor berated him. The plaintiff alleges that other staff were using his masks, and as a result, he had to replenish the masks he stored in his car. The plaintiff claims that, "[w]hen it became convenient to dismiss [plaintiff], [the defendant] revoked the accommodation and claimed [plaintiff] had been stealing the masks." The plaintiff claims that he was wrongfully terminated for bringing COVID-19 concerns to the defendant's attention, and due to his need for an accommodation.

Ware v. Dismas Plasma, Inc. (Jefferson County, Kentucky)
The plaintiff was discharged after complying with his doctor's order to self-quarantine for 14 days for suspected COVID-19 exposure. The plaintiff sued his former employer, a charitable organization, under the Kentucky Civil Rights Act for disability discrimination, failure to accommodate a disability, and retaliation. The plaintiff learned that a person with whom he interacted regularly at work was self-quarantining for two weeks because his doctor suspected he had COVID-19. The next day, the plaintiff's physician ordered the plaintiff to self-quarantine for 14 days. The plaintiff went to his workplace and gave one of the defendant's executive employees his doctor's note. She allegedly responded, "Why should I give you sick time if you aren't sick?" The plaintiff claims he told her the quarantine order was based on the plaintiff's interactions with someone suspected of having COVID-19, and the plaintiff's weakened immune system. After quarantining for 14 days, the plaintiff returned to work and presented his medical clearance. The same executive allegedly told him not to return to work until she contacted him. Later that day, the plaintiff wrote to his employer's human resources department and complained that he felt discriminated against based on the quarantine order, his high risk of contracting COVID-19, and his underlying health conditions. The next day, the plaintiff faxed a second letter, reiterating the same discrimination complaints. The plaintiff contends that within the
Ruth Sanchez v. 5 Star Building Services LLC (Broward County, Florida)
The plaintiff, a cleaner, claims violations under Florida’s Whistleblower Protection Act and Safety and Health Act and under OSHA, related to her employer’s refusal to provide protective gear to reduce her exposure to COVID-19. Specifically, the plaintiff alleges that she requested face masks and gloves to use in the course of her job cleaning local condominiums. After her employer refused her request, the plaintiff requested two weeks off work. In response to her request for time off work, the plaintiff claims that her employer construed her request as a resignation and notified her that her position would be filled on the basis that the employer was an “essential business allowed to operate despite government shutdown orders.”

June 25, 2020
Kopesky v. Surface Technologies Corporation, et al. (Southern District of California)
The plaintiff, a heavy machine mechanic, alleges that in violation of California law, he was discriminated against because of his disabilities, and that the defendants failed to engage in the interactive process with him regarding his requested medical leave. The plaintiff alleges that he informed his manager that “he would be taking a medical leave of absence because he feared his comorbidities placed his life at risk . . .” due to the defendants’ lack of safety protections regarding PPE and lack of social distancing measures in response to COVID-19. The plaintiff alleges that while he was taking time off to see his doctor, the defendants wrongfully terminated him for job abandonment in violation of California law.

Lopez v. Progressive Business Corp. (Los Angeles Superior Court, California)
The plaintiff filed a wrongful termination case alleging that she was terminated in violation of public policy following her pregnancy. The plaintiff gave birth in the summer of 2019, and upon her return, she alleges that she was subjected to harassing comments, a reduction in her duties, and harassing surveillance. In March 2020, she alleges that she complained about the defendant employer’s handling of COVID-19-related health and safety issues in the workplace and was terminated a few days later. The plaintiff alleges four causes of action: wrongful termination in violation of public policy (including retaliation for her COVID-19 health and safety complaints), gender discrimination, pregnancy discrimination, and retaliation.

Marc Rotenberg v. Electronic Privacy Information Center (Superior Court for the District of Columbia)
The plaintiff, founder of defendant Electronic Privacy Information Center (EPIC), dedicates a significant portion of his 40-page complaint outlining his profile, reputation, performance, and success as the defendant’s president and executive director. The plaintiff claims that “EPIC’s problems began when Mary Stone Ross, a former CIA agent, started working at EPIC. Per the plaintiff, Ross bred division among the EPIC staff, raised concerns about [the plaintiff’s] management abilities, and questioned [the plaintiff’s] role as Executive Director” and “derailed” EPIC’s efforts to meet key organizational goals. On March 5, after
returning from international travel, the plaintiff consulted with his doctor about potential COVID-19 testing and was advised that a test was not necessary. The plaintiff claims that Ross maliciously raised concerns about the plaintiff with EPIC staff and board members, suggesting that the plaintiff (who was asymptomatic) was required to self-quarantine. The next day, the plaintiff’s doctor reportedly indicated that the plaintiff could take the test and, without urgency, it was scheduled for March 9. The plaintiff tested positive for the virus and promptly left the office. The plaintiff worked remotely until March 19, “when he was notified by the D.C. agency that he was classified as ‘recovered,’ a determination that follows two negative tests 24 hours apart.” The plaintiff claims that during this period, Ross created more controversy and made false accusations about him, and alleged that the plaintiff had left his home during the self-quarantine period, which the plaintiff denies. The plaintiff claims that Ross was dismissed from EPIC in late April 2020 due to poor performance, and then allegedly caused a false article to be published about the plaintiff. Not long thereafter, the plaintiff was told that he needed to resign or he would be dismissed. The plaintiff claims that the defendants’ leaders published the false, malicious and defamatory statement that the plaintiff knowingly placed the health and safety of the EPIC staff and others at risk. The plaintiff claims discrimination in violation of the District of Columbia Human Rights Act, D.C. Code § 2-1401.01, et seq.; breach of contract; defamation; invasion of privacy; breach of confidential relationship; and intentional infliction of emotional distress. The plaintiff demands compensatory and punitive damages, reinstatement, attorney’s fees, and injunctive and other relief.

June 24, 2020

Di Nola v. Freudenberg-NOK General Partnership (District of New Hampshire)
The plaintiff, a human resources manager, alleges wrongful termination in violation of New Hampshire public policy. The plaintiff was advised that two employees were returning from Malaysia and China amid the COVID-19 pandemic. Based on CDC guidance, the plaintiff decided to require the two employees to stay at home for one week to avoid these two employees potentially infecting other employees with COVID-19. A few days later, the plaintiff alleges that she “was summoned to a meeting with” two vice presidents. One vice president advised the plaintiff “that he could not work with her and did not trust her.” The other vice president “accused [the plaintiff] of exaggerating ‘the China virus,’” and directed the plaintiff “to go home.” Approximately one week later, the plaintiff was terminated when one of the vice presidents “walked [the plaintiff] out the main entrance of the defendant’s offices in the 8:00 a.m. hour as employees arrived for work, with boxes of her personal belongings in tow.” The plaintiff alleges that she was fired “for communicating to employees information obtained from [the CDC] regarding COVID-19, for advocating adherence to [CDC] recommendations, and for directing employees returning from China and Malaysia to stay home.”

June 23, 2020

Fawaz Kazi v. The Fullman Firm (Orange County, California)
The plaintiff, an intake specialist, claims religious discrimination and wrongful termination under California law. The plaintiff, a practicing Muslim, stated that he regularly attended communal prayers on Fridays during his lunch break. When the COVID-19 pandemic caused
communal prayers to be temporarily cancelled, the plaintiff contended that he prayed in his office at work during lunch time. He alleges that the firm’s owner observed him praying in his office and terminated him the same day. The plaintiff claims the reasons the employer provided for the termination (which are not alleged in the plaintiff’s complaint) were pretextual.

O’Bryan v. Joe Taylor Restoration (Southern District of Florida)
The plaintiff sued his employer for denial of benefits and for retaliation under the FFCRA. In late March, the plaintiff began coughing, and he immediately reported this potential COVID-19 symptom to his supervisor, who sent him home. The plaintiff was told by the defendant to complete forms for sick leave, which he returned promptly. The plaintiff then quarantined for 14 days, but claims he did not receive any pay as he was owed under the FFCRA. After 14 days, the plaintiff inquired whether he could return to work, as he needed income, and the defendant told him to get a doctor’s note clearing him to return. The plaintiff obtained a doctor’s note confirming he had self-quarantined for 14 days due to COVID-19 symptoms and could return to work. The defendant would not accept this note and allegedly told the plaintiff he needed a note specifically saying he was not contagious. The next day, the plaintiff informed the defendant he was being tested for COVID-19. The following business day, while his test results were pending, the defendant terminated the plaintiff’s employment. The plaintiff seeks recovery of the benefits he was allegedly due for paid leave under the FFCRA, as well as damages for alleged retaliatory termination.

Aaron Lathrum v. Smokers Outlet Management, Inc. (Oakland County, Michigan)
The plaintiff sued his employer under the Michigan Whistleblowers’ Protection Act for allegedly terminating him in retaliation for his report to the Michigan attorney general about what he believed to be the defendant’s violation of the governor’s shutdown order issued due to the COVID-19 pandemic. The plaintiff worked in IT for the defendant, a chain of retail stores selling cigarettes and related tobacco products. According to the plaintiff, the defendant informed its employees that it was an “essential business” under the COVID-19 shutdown order, and was therefore allowed to stay open. The plaintiff complained that he did not think the defendant was such an essential business, but the defendant continued with its plans to continue operating. The plaintiff then sent a message to the Michigan attorney general and the local police department informing them of the defendant’s alleged violation of the governor’s order. The plaintiff forwarded his message to the defendant as well. The next day, the plaintiff’s supervisor locked him out of his company email account, and told him to turn in his company-issued equipment. When he inquired about returning to work after the governor’s COVID-19 order permitted retail outlets to re-open, the plaintiff was allegedly informed he had been terminated.

Preston v. Evergreen Underground Sprinkling Company (Kent County, Michigan)
The plaintiff, a seasonal service technician and salesperson for an irrigations systems company, alleges race discrimination and wrongful termination in violation of Michigan public policy. On March 23, the Michigan governor issued a shelter in place order to limit and prevent the spread of COVID-19. On April 24, the governor issued a continuation of
the order, but provided narrow exceptions for business performing outdoor activities to resume business operations with certain safety precautions. The plaintiff alleges that his employer notified him that workers needed to report to work on April 29 for a meeting, and that field work would continue on April 30. The plaintiff alleges that he challenged his employer’s decision that its business fell within the exceptions in the executive order, and expressed concern that work could not be resumed safely. Specifically, the plaintiff alleges that he advised his employer: (1) that his work required him to go into people’s homes, an activity that remained prohibited under the order; and (2) that he could not perform his duties while maintaining the order’s social distancing requirements. In response, the employer’s principals “expressed opinions that the COVID-19 pandemic had been ‘overblown’” and that the COVID-19 pandemic “is a ‘black problem’ and not an issue for Caucasian people, like [the plaintiff].” The plaintiff alleges that he refused to violate the governor’s order by returning to work, and that his employer terminated him for “refusing to return to work when required.”

Reiter v. Dejean and Kuglen Eye Associates, LLP (Montgomery County, Texas)
The plaintiff, a pregnant employee in the employer’s insurance verification department, alleges disability and sex discrimination in violation of the Texas Commission on Human Rights Act. The plaintiff alleges that in January 2020, she informed her supervisors and coworkers that she was pregnant, and would be having a baby in August. At the end of March, the plaintiff alleges that she received a text “stating she was being furloughed due to the COVID-19 public health emergency” but “would be brought back to work once the situation improved.” The plaintiff alleges that in May “almost all other employees were returned to their positions,” but the plaintiff “received a termination letter stating she was being permanently laid off due to COVID-19.” The plaintiff alleges that her former employer tried to replace “her by hiring someone who was not pregnant.”

June 22, 2020
Angela Miarer v. Orthopaedic Institute of Ohio, Inc. (Hancock County, Ohio)
The plaintiff, a receptionist, claims disability discrimination under Ohio law for her termination related to COVID-19. The plaintiff alleges that in March 2020, when the pandemic developed, she notified her employer that she suffered from multiple sclerosis. She claims that after declining her employer’s request to take a temporary layoff, she was terminated over the phone. The plaintiff alleges that the employer’s purported basis for her termination – that she was supposedly creating a toxic work environment based on her interactions with a co-worker – is false, and a pretext for her termination, which she claims was actually due to her disability.

June 18, 2020
Gallagher & Gallagher v. Boesch & Fieldworks, LLC (Flathead County, Montana)
The plaintiffs were employed for approximately two weeks in May 2020 as canvassers on two ballot initiative signature drives. Following their discharge, the plaintiffs sued their former employer for wrongful termination. Among other causes of action, the plaintiffs contend that they were terminated due to their refusal to violate state and local social distancing guidance, and their complaints to the defendant that inadequate training and ill-fitting personal protective equipment were
increasing the risk to workers and the public of contracting and spreading COVID-19.

Volpe v. Ottinger Golf, LLC (Gloucester County, New Jersey)
The plaintiff, the head chef at a golf club, alleges that he was not permitted to use his earned paid sick time in violation of the New Jersey Earned Sick Leave Act, and that he was unlawfully terminated in violation of the New Jersey Conscientious Employee Protection Act. As a result of the COVID-19 pandemic, and the New Jersey governor’s stay-at-home order, the golf club closed its facilities to the public and furloughed the majority of its employees, including the plaintiff, with the expectation that such employees would be recalled to work after the order was lifted. The plaintiff alleges that he emailed human resources requesting to utilize his earned sick time during the time he was furloughed, but did not receive a response. After three to four weeks, the plaintiff expressed his concern about using his sick time to the executive chef, who told the plaintiff “to stop asking about his sick time because [his employer] was not going to pay him for any sick time.” The plaintiff alleges that he then inquired with the general manager about using sick time, and was told “if we tried to pay out everybody’s sick time, or tried to continue paying people throughout the pandemic, chances are we would not have enough money to reopen.” The plaintiff alleges that the next day, he was terminated “in retaliation for expressing concerns to [his employer] about [its] illegal practices.”

June 17, 2020
Jackson, Ill v. RX Staffing and Home Care, Inc. (Sacramento County, California)
The plaintiff was a social worker for a home health care company. He alleges that as a result of the COVID-19 pandemic, the company suspended in-person contact with clients, and his job duties therefore consisted solely of administrative work which could be performed from home. He claims that he has HIV, and he requested to work from home because he has a weakened immune system, but was told that he needed to report to the office. The plaintiff further alleges that he was hospitalized for a medical procedure in April 2020 and then returned to work nine days later. He claims that eleven days after he returned, the company informed him that he was being terminated because he had not been completing charts for his patients quickly enough. The plaintiff alleges that he had been catching up on completing the charts as a result of his illness and time off. He claims that the company used his delay in completing the charts as a pretext to terminate his employment. He brings claims for wrongful termination in violation of public policy, disability discrimination, failure to accommodate, failure to engage in the interactive process, violation of the California Family Rights Act, and retaliation.

June 15, 2020
Worthy v. Wellington Estates LLC (Ocean County, New Jersey)
The plaintiff was discharged while on a medical leave of absence to recover from COVID-19. The plaintiff, a medical assistant, sued her employer, the owner and operator of a senior and assisted living community, for disability discrimination, perceived disability discrimination, and wrongful termination in violation the New Jersey Law Against Discrimination. The plaintiff also asserted that her termination violated public policy, as reflected in New Jersey Assembly Bill A3848. The bill, which became effective in March 2020, prohibits an employer from
terminating, otherwise penalizing, or refusing to reinstate an employee who takes time off from work because the employee “has, or is likely to have, an infectious disease … [that] may infect others at the employee’s workplace.” The plaintiff alleges that she tested positive for COVID-19 on April 19, 2020, informed her employer immediately, and commenced a medical leave of absence. The plaintiff was released to return to work on May 16, 2020. Before her scheduled return date, the plaintiff asserts that her employer’s representative telephoned her, said the plaintiff was not “welcome back to work” because she contracted COVID-19, and “could have gotten everyone sick.” The plaintiff alleges that the employer’s termination decision was improperly motivated by her contracting COVID-19 and her resulting need for a medical leave.

June 12, 2020

Michael Flinspach v. Indiana Quarries and Carvers LLC (Southern District of Indiana)
The plaintiff, a quarry extraction worker, claims that in response to his request for FMLA paperwork to stay home and care for his children due to the closures of their schools, his employer retaliated against him by firing him. The plaintiff alleges that he contacted his employer and requested FMLA paperwork for a COVID-19 related reason, and in response to his request, his employer responded that he “was not going to permit [the plaintiff] to stay home and get paid,” and was firing him. He brings claims under the FMLA, the Expanded Family and Medical Leave Act (EFMLA), the Emergency Paid Sick Leave Act (EPSLA) and the Fair Labor Standards Act (FLSA).

Roman v. Jewish Home Assisted Living, Inc., et al. (Bergen County, New Jersey)
The plaintiff sued her employer, claiming disparate treatment and discrimination based on her pregnancy in violation of New Jersey’s Law Against Discrimination. The plaintiff was a physical therapy assistant at an assisted living facility. She was informed by her doctor that she was pregnant, and that her pregnancy was high-risk. When the plaintiff found out a co-worker had tested positive for COVID-19, the plaintiff became concerned given her high-risk pregnancy and asked the defendant if she could be furloughed. The defendant’s management allegedly declined her request, and instead suggested the plaintiff work in the facility’s kitchen area, which was supposedly a lower-risk area. The plaintiff reluctantly agreed. Shortly thereafter, the plaintiff had her performance review with the defendant, after which she was terminated, allegedly based on reports of her “negative attitude,” although her job performance was good. The plaintiff alleges this reason given by the defendant for her termination is pretextual, and that the real reason was that she requested an accommodation for her high-risk pregnancy during the COVID-19 pandemic.

June 11, 2020

Derek Henson and Michael Martin v. Total Air Care, Inc. (Madison County, Florida)
The plaintiffs, both sales technicians, claim retaliation under Florida’s Whistleblower Act for their terminations, which they claim were related to COVID-19. Specifically, Plaintiff Henson alleges that in early April, his employer directed him to travel across state lines for work despite the
state-wide lockdown to prevent the spread of COVID-19. Henson refused his employer’s directive due to his concern that his travel may expose his high-risk wife (diagnosed with emphysema and COPD) to the virus, and he was terminated. Thereafter, Plaintiff Martin, Henson’s brother-in-law, was placed on three consecutive administrative leaves, without reason, and then fired.

Miller v. Arthritis & Osteoporosis Center, Inc. (Berks County, Pennsylvania)
The plaintiff, a registered nurse, alleges she was terminated in violation of Pennsylvania public policy. The plaintiff alleges that she informed her employer that she would not be reporting to work because she was suffering from a fever, sore throat, and congestion. The plaintiff consulted with her primary care doctor who recommended that the plaintiff not report to work for one week and get tested for COVID-19. The plaintiff informed her employer she was getting tested for COVID-19 and, two days later, received a phone call from human resources informing the plaintiff that she was being laid off because her employer “was cutting staff because of reduced business during [the] COVID-19 pandemic and the Pennsylvania governor’s closure of businesses.”

Faraji v. Coastal Pain & Spinal Diagnostics Medical Group, Inc., et al. (San Diego County, California)
The plaintiff, a marketing coordinator, claims her employment was wrongfully terminated in violation of California law. The plaintiff alleges that the defendant insisted she continue making in-person marketing visits to attorneys’ and doctors’ offices, despite the governor’s stay-at-home order. The plaintiff also expressed her concern to the defendant regarding an unsafe work environment, due to COVID-19. The plaintiff claims she told the defendant that if she was unable to work remotely to care for her school-aged daughter whose school was shut down due to COVID-19, then she would take leave provided by the California Labor Code. The plaintiff claims that she was fired in retaliation for asking to take leave and for expressing safety concerns.

Welcome v. Huffmaster (Bergen County, New Jersey)
The plaintiff, a van driver for a company providing strike management and security services, sued his employer for allegedly terminating him for complaining about a co-worker who was exhibiting signs of COVID-19. After he had observed a co-worker, “Steve Last Name Unknown,” constantly coughing and not wearing a mask at work, plaintiff assembled a group of seven or eight employees to discuss Steve LNU’s situation. After this discussion, the plaintiff called his supervisor and informed her of Steve LNU’s apparent symptoms, and requested that the employer have Steve LNU tested for COVID-19. The plaintiff also added that he was concerned not only for this own safety, but also for that of his young asthmatic daughter. According to the plaintiff, his supervisor responded by telling him the company had rules against discussing COVID-19 in groups, and that, as the “ringleader” of the group of employees, he had violated company rules. After her call with the plaintiff, the supervisor allegedly emailed everyone in the group except the plaintiff, told them there had been “misinformation” circulated about Steve LNU, and told the employees not to worry about it. Three days later, the plaintiff was terminated, allegedly for being the “ringleader” of the group of employees who met to discuss Steve LNU’s apparent COVID-19 symptoms, thereby violating the company’s rules against “employees discussing the
COVID-19 virus...having non-work-related conversations with each other,” and “having large meetings of employees to discuss work issues.”

June 9, 2020

*Barbara Lesikar v. Jefferson Place Assisted Living, Inc., et al.* (Travis County, Texas)
The plaintiff, a licensed nurse employed at an assisted living facility, claims that she was retaliated against in violation of Texas law after she reported what she believed to be violations related to in-services, fire drills, and COVID-19 safety precautions. The plaintiff alleges that since September 2018, the employer failed to provide nurses with required in-service training; failed to conduct monthly fire drills despite falsely documenting the fire drills were completed; and failed to provide training or information to nurses regarding the COVID-19 pandemic. The plaintiff alleges that the day after she called and made the report to the facility’s owner, her supervisor told the plaintiff she was “being terminated because she allegedly had two complaints” about her.

*Willmeng v. Allina Health System* (Ramsey County, Minnesota)
The plaintiff, an emergency room nurse, filed a two-count complaint claiming he was terminated in violation of Minnesota’s whistleblower and occupational safety laws for reporting safety concerns during the COVID-19 pandemic. The plaintiff alleges he reported to the defendant that he was concerned that he and other employees could put their families at risk by working in personal scrubs and then wearing them home, and requested that employees be issued surgical scrubs. When the defendant failed to issue the surgical scrubs, the plaintiff and other nurses began wearing the surgical scrubs that were available at the hospital. Thereafter, the plaintiff reported to a number of the defendant’s managerial employees his continued concerns over safety relating to the defendant’s alleged: (1) failure to provide adequate PPE, (2) insistence that employees wear personal scrubs, and (3) failure to provide adequate patient gowns for COVID-19 patients. After the plaintiff filed a complaint with OSHA, and informed the defendant that he had done so, he alleges he was disciplined for wearing hospital-issued scrubs. Subsequently, when multiple nurses were approached by managers during their shifts about wearing hospital-issued scrubs as opposed to their own personal scrubs, the plaintiff complained that the meetings were being conducted without union representation, and informed one of the managers that the complaint he filed with OSHA had been referred to the Minnesota Department of Labor discrimination unit. On May 4, 2020, a number of employees and members of the public protested in front of the hospital, demanding that employees be allowed to wear hospital-issued scrubs and publicizing the alleged retaliation. The plaintiff was terminated on May 8, 2020.

*Burgess v. Bret Russell, Inc.* (Oakland County, Michigan)
The plaintiff, a property manager for a luxury housing complex, claims that she was wrongfully discharged in violation of Michigan public policy after refusing to show any apartments unless the prospective tenants needed “housing very soon.” The plaintiff alleges that showing the units would have been in contravention of the governor’s COVID-19-related orders. The plaintiff alleges that she sent the defendant’s operations director a lengthy email “explaining that she would not violate the Governor’s Order.” Soon thereafter, the defendant informed the plaintiff she was being discharged, supposedly because the plaintiff “did not
respect management.” Separately, the plaintiff was informed by the defendant’s attorney that “among various reasons given,” the plaintiff was “laid off” because of the ongoing COVID-19 crisis and that other persons from the corporate office were also being laid off.

**June 8, 2020**

*Porti v. PM Pediatrics Management Group, LLC, et al.* (Queens County, New York)

The plaintiff, a medical director at a pediatric health clinic, claims that she was discharged in violation of New York Labor Law. The plaintiff alleges she made multiple written complaints to the defendants concerning the defendants’ handling of PPE during the COVID-19 pandemic. This, the plaintiff claims, was a violation of New York Labor Law because defendants “did not equip and operate in a manner to ensure the ‘reasonable and adequate protection to the lives, health and safety of all persons employment [at defendant]...’” Following the plaintiff’s third written complaint to defendants, her employment was terminated. The plaintiff alleges that the defendants told her that her termination was necessary because she seemed “unhappy.” The plaintiff claims that her discharge was in retaliation for her protected complaints.

**June 5, 2020**

*Morales v. American Health Associates, Inc.* (Seminole County, Florida)

The plaintiff was a phlebotomist, and her primary job duty was to draw blood from patients. The plaintiff alleges that she signed a letter that was forwarded to her supervisor, as well as the defendant employer’s vice president and chief executive officer. The plaintiff states that the letter informed the recipients that phlebotomists were being asked to collect COVID-19 specimens, but that the company had not provided them with PPE, in violation of OSHA regulations. The plaintiff also alleges that she sent numerous text messages to her supervisor complaining about the company’s failure to provide the PPE, and demanding that the company do so. The plaintiff alleges that her fears of exposure to the virus were realized when she came into contact with a COVID-19-positive patient while she was without PPE. The plaintiff alleges that after her exposure, her supervisor instructed her to self-quarantine for seventy-two hours. According to the plaintiff, when the seventy-two hours passed, she texted her supervisor about returning to work, and was told that she was terminated for failing to show up to work for three days. The plaintiff brings a claim for whistleblower retaliation in violation of Florida Statutes section 448.102. She also brings claims for wage and hour violations.

*Stivers v. Indiana Limestone Acquisition, LLC* (Southern District of Indiana)
The plaintiff worked as a limestone sawyer. He alleges that he told the defendant employer that he would need to take leave to care for his child because his mother, who normally provided childcare, was ordered to quarantine for one month after exhibiting symptoms of COVID-19. Further, the plaintiff alleges that after he informed his employer that his mother was exhibiting COVID-19 symptoms, the company required him to self-quarantine for at least fourteen days. The plaintiff alleges that he applied for thirty days of leave pursuant to the Family and Medical Leave Act (FMLA) and the Families First Coronavirus Response Act (FFCRA), and that the company expressly approved the leave and paid him at two-thirds his regular rate of pay for forty hours per week for the remainder of his employment. However, the plaintiff alleges that he was wrongfully terminated after three weeks of leave. According to the plaintiff, the company maintained that he was losing his position as part of a reduction in force, but the plaintiff alleges that the company’s stated reason for his termination is untrue. The plaintiff claims that the company transferred or rehired an individual from another facility to work in his position, even though the individual was untrained as a limestone sawyer. The plaintiff further alleges that in determining which positions to keep or eliminate, the company focused primarily on employees who were on FMLA/FFCRA leave. The plaintiff brings two causes of action—one for violation of the FMLA and one for violation of the FFCRA.

*Wallace v. Hub International Insurance Services, Inc.* (San Diego County, California)
The plaintiff, an account executive, claims, among other things, that in violation of California law, she was harassed, discriminated against, and retaliated against due to her gender. She also alleges she was wrongfully terminated in violation of California public policy. In March 2020, the plaintiff was instructed by her employer to work from home in response to the California governor’s lockdown order due to the COVID-19 pandemic. The plaintiff was unable to secure childcare for her two young children during the lockdown order, and alleges that her supervisor instructed her that “her children are not to be heard during phone calls.” The plaintiff explained that background noise would likely occur while both children are awake in the morning, but that “her youngest napped in the afternoon, so that would be the best time for calls.” Despite this conversation, the plaintiff alleges that her supervisor continued to schedule calls when she was feeding her children or putting them down for a nap, and gave the plaintiff “rush” assignments. The plaintiff objected, and told her supervisor that she felt that his expectations were unrealistic, given her need to care for her children. The plaintiff alleges that her supervisor told her to “take care of her kid situation” and to “figure it out.” The plaintiff subsequently took her concerns that she was being discriminated against as a mother to human resources. After expressing her concerns, the vice president of human resources told the plaintiff that the company “was experiencing a reduced revenue due to COVID-19 and they were laying Plaintiff off as a result of the pandemic.” The plaintiff alleges that the company “was using COVID-19 as a bogus justification to terminate Plaintiff,” and alleges that the company posted an opening for her former position, “effectively disproving that Plaintiff’s job was eliminated for financial reasons.”
Watts v. Microsoft Corp. (King County Superior Court, State of Washington)
The plaintiff (former “Senior HR Manager for Microsoft Retail Stores”) says that she informed Microsoft on March 4, 2020, that she had a job offer from another employer. Apparently, the offer was a good one, because she wanted to “see what opportunities existed within Microsoft that were commensurate with the [other] offer.” The plaintiff alleges that Microsoft only pointed her to a “position that was less appealing than the one offered by [the other employer].” As a result, the plaintiff says that she accepted the other position on March 11 and so informed her Microsoft manager and asked if she would be immediately released from her Microsoft employment. According to the plaintiff, she was asked (and agreed) to stay with Microsoft during the “transition of all her work duties to other employees.” The plaintiff reports that she continued working for Microsoft without any defined end date and took on additional work due to the impact of COVID-19. However, in mid-March the plaintiff learned about the closure of her child’s school and requested flexibility from her supervisor in light of the school closure and the unavailability of her nanny, in keeping with Microsoft’s internal statements at the time about the need for flexibility with employees facing school closures. The plaintiff claims that she suggested a daily schedule of being online and offline during a day, “using sick time, if necessary, for time away.” The supervisor allegedly did not respond to this email and later that day the plaintiff reportedly asked for sick time to care for her two children. The plaintiff claims that the next day she emailed human resources general email account regarding her “need for flexibility in her schedule to accommodate her child’s school being closed.” The plaintiff claims that her supervisor separately wrote to her that day, informed her of the termination of her employment, and told her that she could “now just go be with [her] kids.” The plaintiff claims that, on the day after her termination, Microsoft opened a position “that was equivalent to the position [she] had accepted with [the other employer].” The plaintiff claims retaliation in violation of the Washington Paid Family Leave Act, wrongful termination in violation of public policy, and promissory estoppel. She seeks compensatory damages, lost wages, emotion damages, injunctive relief, and other damages.

June 4, 2020
Ratliff v. Powell County Detention Center, et al. (Powell County, Kentucky)
The plaintiff, a former substance abuse counselor at a Kentucky detention center, alleges that she was wrongfully discharged in violation of the Kentucky Whistleblower Act. The plaintiff alleges that she inquired about COVID-19 mitigation plans, and was informed that the counselors “would have to work normally and if a counselor refused to do so that person would be fired.” Following this meeting, the plaintiff sought unpaid leave, then the defendants discharged the plaintiff. The plaintiff claims that she and others were discharged “after they coordinated in an effort to bring to attention violations of CDC and OSHA recommendations” and the Kentucky governor’s executive orders pertaining to COVID-19.

Mondello v. Kelco Construction, Inc. (Suffolk County, New York)
The plaintiff, a manager of a car restoration and customization garage, claims that his employer discriminated against him based on “his actual and/or perceived disability,” “retaliated against him for engaging in protected activity, and effectively terminated his employment.” The plaintiff
alleges he “repeatedly complained about unsanitary and illegal working conditions,” which “was putting everyone’s health at risk during COVID-19.” He claims his supervisors dismissed his concerns, saying “the Company won’t do [expletive] about it” and telling him to “leave it alone.” After the plaintiff learned that three employees contracted COVID-19, he made a request to work remotely, accompanied with a doctor’s note indicating that he is at high risk of contracting COVID-19 due to the fact that he is a cancer survivor. The employer denied the plaintiff’s request, sent him home, and “failed to pay him for at least two days for that workweek.” The plaintiff’s supervisors emailed him in April, stating that if “he did not return to work [the following Monday], provide a medical note saying he could work without any restrictions, and sign a waiver of his legal rights, he would be fired.” When the plaintiff did not comply, his remote access was terminated. The plaintiff seeks damages for disability discrimination and retaliation under the New York State Human Rights Law, and unpaid wages and commissions under the New York Labor Law.

*James v. Language World Services, Inc., et al.* (Sacramento County, California)
The plaintiff, a temp-to-hire medical assistant, brings numerous causes of action against the defendants including disability discrimination, retaliation, wrongful discharge, and failure to provide rest periods in violation of California law. Among other things, the plaintiff claims that the nurse manager refused to provide the plaintiff with a mask, even though she would come into contact with a patient exhibiting COVID-19 symptoms. The nurse manager explained that “a mask would not protect [the plaintiff] from infection.” After experiencing COVID-19 symptoms herself, the plaintiff was put on a one-week medical leave of absence. Upon her return to work, the plaintiff confirmed that she came into contact with a COVID-19-positive patient, and obtained another doctor’s note. The plaintiff alleges that she was then informed that her assignment had been “terminated due to a breach of confidentiality.” The plaintiff alleges the defendants discriminated against her “after perceiving her as being infected with the COVID-19 virus.”

*Henslovitz v. Thunderball Marketing Inc., et al.* (Essex County, New Jersey)
The plaintiff, a 70-year old sales person, claims he was discriminated against on the basis of his age and disability, and retaliated against in violation of New Jersey’s whistleblower law. The defendant closed its facilities after one of its employees tested positive for COVID-19. The plaintiff asked the defendant’s attorney whether the office would be sanitized prior to opening. The defendant employer responded that the defendants would clean the office when they came back to work after Passover. After the defendant reopened its facilities, the plaintiff claims he was the only employee that was not permitted to return to work on the same day as other employees. The plaintiff contacted the defendant’s attorney again, claiming he was “startled that [the defendant] would put other employees in danger without cleaning out the Cragwood Road facility...” The next day, the vice president of the defendant company informed customers that the plaintiff was no longer employed by the defendant. The plaintiff claims his employment was terminated in retaliation for complaining of conduct that was incompatible with a clear mandate of public policy, including an executive order issued by the
June 3, 2020

Reyna v. Cascade Health Services, LLC (Southern District Court of Texas)
The plaintiff, a certified nursing assistant at a nursing home, claims that she was wrongfully terminated and retaliated against in violation of the FFCRA. The plaintiff alleges that "she went home from work feeling horribly sick," and attempted to schedule a COVID-19 test. The soonest appointment at a testing center was not until the following week, and the local health department informed the plaintiff "to self-quarantine until she received her test results." The plaintiff then contacted her supervisor and explained she was experiencing COVID-like symptoms and "would self-quarantine until she got her [COVID-19] test results in order to protect the residents." In response, the plaintiff claims she was informed that she was being fired. Among other things, the plaintiff seeks damages for "past and future wages" and a "mandatory injunction reinstating plaintiff's employment benefits, retroactive to May 15, 2020."

Elliott Stein, M.D. v. Hebrew Home for Aged Disabled, et al. (San Francisco County, California)
The plaintiff, a 72-year-old prominent geriatric psychiatrist, filed a six-count complaint alleging disability discrimination and defamation against the defendants, who operated a large nursing home and a psychiatric hospital. The plaintiff alleges that in early March 2020, he began to explore ways to provide telemedicine if COVID-19 continued to spread and providers were not allowed to provide in-person services. After the plaintiff was advised by his personal physician that he was significantly at risk of contracting COVID-19 and to shelter in place, the plaintiff began performing his duties remotely on March 17, 2020. The plaintiff alleges that although his performance did not suffer as a result of using telemedicine, he was told on March 31, 2020, that he had to return to the office because "patient-facing" staff were no longer permitted to work remotely due to a change in the telecommuting policy. According to the plaintiff, although he requested a reasonable accommodation and attached a letter from his doctor ordering him to work from home due to his health condition and his age, his request to work remotely was ignored. Ultimately, the plaintiff received a letter stating that his refusal to perform services on site was a breach of his services agreement, and his employment and clinical privileges were terminated effective April 6, 2020.

Gargiulo v. Dr. Ernie F. Soto PA, et al. (Broward County, Florida)
The plaintiff, a dental hygienist, alleges that her employment was terminated in violation of the Florida Whistleblower Protection Act. The plaintiff alleges that defendants were violating OSHA, the Paycheck Protection Program (PPP), Small Business Administration (SBA) loan requirements, IRS withholding statutes and defrauding the Department of Economic Opportunity of unemployment monies. Among other things, the plaintiff claims that when the defendant obtained $630,000 in monies from Emergency Disaster, PPP and SBA loans, the defendant used the money for personal matters – including the purchase of a rare, late 1960s Camaro – rather than the prescribed purposes for the loans. The plaintiff alleges she was terminated shortly after inquiring about appropriate PPE to her employer, and after sharing "the truth of the inadequate and
inappropriate lack of protection with her fellow office colleagues on a private interoffice forum,” in retaliation for sharing safety information “and to teach the other ancillary staff a lesson.”

Lin v. CGIT Systems, Inc. (District of Massachusetts)
The plaintiff, a 55-year old Chinese-American with high blood pressure, claims he was discriminated against because of his disability, age, race, and national origin in violation of the Massachusetts Anti-Discrimination law. The plaintiff alleges that on March 16, 2020, he obtained oral consent from his manager to work from home, as a result of the COVID-19 pandemic. On March 25, the plaintiff’s general manager instructed all employees who were working from home to report to the office location for work on March 27. The plaintiff communicated with his manager that he wanted to comply with the governor’s stay at home order by working from home, and was concerned about social distancing in the office, given his high blood pressure. The plaintiff submitted a formal request to work from home, which was denied by the general manager. The plaintiff alleges that two other employees in his department were granted their work from home requests. The plaintiff alleges that on March 31, the president of the company told him he needed to report to the office to continue his employment. The plaintiff claims he reiterated his concerns and informed the president that all of his work could be handled remotely, and was terminated the same day for “job abandonment.” The plaintiff alleges that his manager told other employees that “he needed to make an example of Plaintiff” so that “people [wouldn’t] take sick or vacation time because they were concerned about coming in to work in [the] office location due to COVID-19.”

June 2, 2020

Rumble v. Jamac Steel, Inc. (San Bernardino County, California)
The plaintiff, a sales department employee, alleges among other things that, in violation of California law: (1) she was discriminated against because of her pregnancy, (2) her employer interfered with her pregnancy leave, (3) her employer retaliated against her for taking a pregnancy disability leave, and (4) her employer retaliated against her for complaining about the unsafe working environment during the COVID-19 pandemic. The plaintiff alleges that her employer was considered an essential business and was permitted to continue to operate following the implementation of California’s statewide stay-at-home order. The plaintiff alleges that she was concerned about contracting COVID-19, given her pregnancy, and that she asked her employer to implement safety precautions in the workplace, including ensuring that there were sufficient cleaning supplies and face masks. The plaintiff alleges that her employer failed to provide the requested supplies and that other employees “ridiculed [the plaintiff’s] concerns for safety in the workplace.” The plaintiff alleges that “other employees refused to wear face masks,” “refused to practice social distancing,” and would “intentionally cough[] on her when she walked nearby.” The plaintiff complained to her managers about these other employees, and discussed her upcoming need for a pregnancy-related leave of absence. The plaintiff alleges that one day after that discussion, her employer placed an advertisement to seek a replacement for her position, and terminated her.

Burden v. Everglades Preparatory Academy, Inc. (Palm Beach County, Florida)
The plaintiff was an assistant principal at a preparatory academy. He
alleges that the academy attempted to force him to work in person at the school during the COVID-19 pandemic, in violation of unspecified county and federal law, even though students were attending school remotely. The plaintiff refused to work in person. Further, he alleges that the school wanted him to report false attendance numbers, and that he refused to do so. He alleges that as a result of his refusals to work in person and report false attendance numbers, his employment was terminated. He brings one cause of action for whistleblower retaliation under Florida Statutes section 448.101-105.

The plaintiff, a former embroiderer for a PPE manufacturer, claims that the defendants unlawfully terminated her employment in violation of the Emergency Paid Sick Leave Act (EPSLA; part of the Families First Coronavirus Response Act). The plaintiff alleges that she sought medical treatment for COVID-19 symptoms, and was advised to self-isolate for at least seven days. Prior to the plaintiff’s return to work, the defendants terminated the plaintiff’s employment, citing economic conditions related to the COVID-19 pandemic. The plaintiff claims that the defendants retaliated against her for taking sick leave and failed to pay her for her sick leave, in violation of the EPSLA.

**June 1, 2020**

_Castaneda v. Niagara Bottling LLC_ (San Bernardino County, California)
The plaintiff, a 61 year-old maintenance mechanic who suffers from diabetes and asthma, alleges violations of California law including: (1) he was discriminated against because of his age and disability, (2) his employer failed to provide a reasonable accommodation for his disability, and (3) his employer retaliated against him for requesting an accommodation and by raising concerns about discrimination and treatment in the workplace. Around the same time that the COVID-19 pandemic began, the plaintiff began experiencing “general pain,” which forced him to leave work early to be hospitalized. The plaintiff was instructed “that he was at high risk of being infected with COVID-19” and “that it was not medically advisable for him to return to work at that time,” and he was placed on medical leave by his primary care doctor. The plaintiff alleges that his employer informed him that if he did not see the employer’s workers’ compensation doctor and return to work, his “job would be in jeopardy.” The plaintiff complied, and the workers’ compensation doctor extended his medical leave for 45 days. However, the plaintiff alleges that immediately after leaving the employer’s doctor’s office, the plaintiff received a call from his supervisor that he needed to return to the doctor’s office. The plaintiff returned, and after another examination, the doctor released the plaintiff to return to work that same day. The plaintiff returned to work, and subsequently emailed his supervisors expressing concerns about his high risk of being infected by COVID-19, the lack of social distancing in the workplace, and the employer’s failure to abide by CDC guidelines. The plaintiff was offered a severance for his resignation, which the plaintiff did not accept because he was unwilling to waive his rights to sue, and instead resigned without the severance package so he could pursue this lawsuit.

_Busch v. Iowa Dermatology Clinic, P.L.C., et al._ (Polk County, Iowa)
In a third complaint against the same dermatology clinic, the plaintiff, an advanced registered nurse practitioner, alleges wrongful termination and breach of her employment contract, in violation of Iowa law. The
complaint alleges that the defendant employer “terminated Plaintiffs employment without notice, allegedly ‘for Cause’ [sic], despite the fact that Defendants did not have ‘cause,’” and that the defendant employer provided no “notice of any deficiency or non-performance of her contractual or employment duties prior to or upon her termination.” The plaintiff claims that the defendant employer “encouraged and expected [the plaintiff] to violate” “governmental restrictions and guidelines related to the COVID-19 pandemic,” and wrongfully terminated her “in retaliation for her refusal to violate these public policies.”

Sumner v. Lincare Holdings Inc. et al. (Duval County, Florida)
The plaintiff, a former operations manager for the defendants, filed a single count complaint alleging that the defendants terminated her in violation of the Florida Whistleblower Act after she reported safety concerns to her district manager during the COVID-19 pandemic. In support of her claim, the plaintiff alleges the defendants were not taking adequate health and safety precautions—including, for example, allowing patients unfettered access to the defendants’ office without appointments, not providing thermometers, not providing sufficient PPE, and allowing an employee with COVID-19 symptoms to return to work even though the employee was still exhibiting COVID-19 symptoms. The plaintiff alleges that one of her subordinates lodged an internal complaint with the plaintiff about the employee with COVID-19 symptoms, which the plaintiff reported to her district manager. She alleges that she also reported to her district manager that there was insufficient PPE, insufficient testing and monitoring equipment for employees and others, and inadequate office space to maintain social distancing. Subsequently, after the employee who complained to the plaintiff also complained to the defendants’ safety department about her COVID-19 safety concerns (and another employee who reported to the plaintiff complained to defendants about safety concerns), the district manager called the plaintiff and accused her of creating an environment where employees did not want to work in the office and did not feel safe. During the phone conference, the district manager then issued the plaintiff a verbal warning for disrespectful and insubordinate conduct, and shortly thereafter terminated the plaintiff’s employment, calling it a “layoff.”

Peake v. Louisville Metro Government (Jefferson County, Kentucky)
The plaintiff alleges she was subjected to a hostile work environment based on sexual harassment in violation of KRS 344.010, was terminated in retaliation for reporting a sexual assault in violation of KRS 344.280, and was wrongfully terminated under the Kentucky Whistleblower’s Act. The plaintiff alleges that she was sexually assaulted by an employee, and reported the incident to her supervisor. After an investigation into the matter, the employee that allegedly sexually assaulted the plaintiff received a disciplinary action notice that recommended that the employee be suspended for 10 days. The plaintiff also received a disciplinary action notice concluding that she “exposed potential new hires … to COVID-19” and recommended termination. The plaintiff claims that the disciplinary action notice’s conclusion that she exposed potential new hires to COVID-19 is false and that the recommendation for termination “constitutes unlawful retaliation for Plaintiff’s complaining about sexual assault and sexual harassment.”

Diana Montejano v. Pacific Living Properties, Inc., et al. (Fresno County, California)
The plaintiff, a property manager, claims wrongful termination in violation
of public policy; disability discrimination, retaliation, and failure to accommodate in violation of California law; and California labor law violations. Among other purported labor code violations, the plaintiff alleges that her employers misclassified her as exempt, required her to work overtime without pay, and failed to provide her meal and rest breaks. The plaintiff also alleges that in March 2020, she was placed on a short medical leave as a result of adverse medical effects – including stress, anxiety and depression – caused by harassment from a coworker. In that instance, she claims, she was forced to use sick and vacation time rather than receive compensation under the worker’s compensation statute, the availability of which she was not informed. The plaintiff further alleges that on April 6, 2020, she requested to work intermittent days as a result of her son’s school closure due to COVID-19. When she returned to work the next day, she claimed, she was terminated in retaliation for seeking an accommodation in the form of time off to care for her son as a result of the school closure.

May 31, 2020

Jennie Valdivia v. Paducah Center for Health and Rehabilitation (Western District of Kentucky)
The plaintiff, a certified nursing assistant, alleges she was denied paid sick leave under the Emergency Paid Sick Leave Act (EPSLA) and was terminated for leaving work to “seek treatment for symptoms that could have potentially been COVID-19,” in violation of the EPSLA and Kentucky law. The plaintiff claims she arrived at work and took her own temperature, which read 99.8. About 30 minutes later, she took her temperature again, and it allegedly had risen to 100.1. The director of nursing was allegedly unavailable, but the assistant director of nursing told her to go home. According to the plaintiff, the director of nursing called her later that evening and told her that without a doctor’s note, her absence was unexcused. The plaintiff then visited her doctor and found out she did not have COVID-19, and texted a picture of her doctor’s note to her supervisor. The next day, the plaintiff was terminated for “being aggressive with patients.” She alleges this reason is a pretext for the defendant’s retaliation against her for seeking further evaluation for COVID-19 symptoms, in violation of the EPSLA.

May 29, 2020

Hawkins v. Core Health & Fitness, LLC (State of Washington Superior Court)
The plaintiff, former global vice president of sales and marketing for the defendant, alleges that he was discharged in violation of Washington disability discrimination law. The plaintiff alleges he was regarded as having a disability, as he was ridiculed for his weight on several occasions. The defendant allegedly terminated the plaintiff due to the economic impact of COVID-19, but the plaintiff claims that given his “willingness to reduce his pay by fifty percent – an offer that defendant rejected – and the assistance of Payroll Protection Plan, the pretextual nature of defendant’s rationale for terminating [him was] easy to see.”

Crowe v. The Akron Art Museum (Summit County, Ohio)
The plaintiff, a museum’s family events and activities coordinator, alleges that she was retaliated against and terminated for joining a letter authored
by a group of employees to the museum’s Board of Trustees regarding “a series of claims of mismanagement, hostile work environment, sexual and racial harassment, and the slanderous actions of [the executive director of the museum].” The plaintiff alleges that she was subsequently given assurances by her employer and its legal counsel that she would not be subjected to retaliation if she participated in the investigation of the executive director. After participating in the investigation, the plaintiff alleges that she “was systematically subjected to new and overbearing oversight, criticism, reductions of resources for her projects, diminishment in her ability to facilitate family events, disciplinary action, and other unjustified and unwarranted harassment by her superiors and … management.” The plaintiff alleges that in March 2020, she was notified that she was being laid off due to the COVID-19 and would be recalled after the pandemic, but her employer subsequently advertised a posting for her job. The plaintiff alleges that these actions “constitute[] retaliation against [p]laintiff.”

Beltran v. 2 Deer Park Drive Operations LLC, et al. (Mercer County, New Jersey)
The plaintiff was employed as a maintenance building technician for defendants. He brings claims for wrongful termination in violation of public policy, perception of disability under the New Jersey Law Against Discrimination, discrimination under the New Jersey Earned Sick Leave Law, unlawful discharge under the New Jersey Conscientious Employee Protection Act, and interference under the Family and Medical Leave Act and the Families First Coronavirus Response Act. He alleges that his mother tested positive for COVID-19, and that he received a letter from the Hamilton Township Division of Health advising him that he needed to quarantine for two weeks. The plaintiff alleges that his employers told him that he was required to return to work less than two weeks later, and that when he did not do so because he was obeying the Division of Health letter, he was terminated.

May 28, 2020
Tana L. Barles v. Incite Rehab, LLC (Faulkner County, Arkansas)
The plaintiff, a certified occupational therapist assistant, claims that she was wrongfully discharged in violation of public policy. The plaintiff alleges that she began exhibiting symptoms of COVID-19, and although she tested negative, her employer directed her to stay at home until her symptoms subsided, and refused to pay her for the time off. The plaintiff alleges that despite her outstanding performance history with the company, she was abruptly terminated without explanation, in retaliation for taking the employer-imposed leave.

Haile et al. v. Steitz & Der Manouel Inc. dba Eco Water of Central California, et al. (Sacramento County, California)
The plaintiff, a sales representative, alleges that the defendant employer refused to comply with a government shutdown order, and that the company president “defiantly stated that ‘until the government came and put locks on my door then we will stay open and do business.’” The plaintiff alleges that she informed the defendant that she was pregnant, and raised concerns “regarding violating the shelter in place orders and for the health risks from potential exposure to COVID-19.” The plaintiff alleges that she was placed on a leave of absence, and terminated two
days later. As a result, she brings claims for retaliation, wrongful termination based on sex and in violation of public policy, and alleges that her employer failed to pay timely wages upon termination, in violation of California law. The plaintiff also brings a class action seeking to recover allegedly unpaid business expenses relating to employees’ automobiles.

Lin v. Peacehealth (Whatcom County, Washington)
The plaintiff, a physician, claims he was terminated in violation of Washington public policy. The plaintiff alleges that during the COVID-19 pandemic, he became concerned that the hospital where he worked was not taking adequate measures to protect the health and welfare of its healthcare workers during the COVID-19 pandemic. The plaintiff emailed the managers of the hospital stating the hospital “is so far behind when it comes to protecting its patients and the community but even worse when it comes to protecting the staff.” That same day, the plaintiff posted the text of his email to his personal Facebook account. Over the next week, the plaintiff continued to post on social media about COVID-19, his employer’s response, and the lack of PPE. The plaintiff alleges that he eventually received a text message from the vice president informing the plaintiff that his shifts at the hospital had been covered, effectively terminating the plaintiff. Accordingly, the plaintiff seeks damages for loss of compensation and benefits, emotional distress, anxiety, humiliation and embarrassment.

Peloso v. Arciero & Sons, Inc. et al. (San Luis Obispo County, CA)
The plaintiff, a 90-year-old former office manager and CFO of the defendant, who was classified as an independent contractor, filed a twelve-count complaint against his former employer and three individual defendants, including wrongful termination, age discrimination under state law, disability discrimination under state law, retaliation for opposing violations of FEHA, and misclassification as an independent contractor. In support of his claims, the plaintiff alleges that his supervisor told him he was too old and asked when he was going to retire. After the plaintiff told his supervisor that he enjoyed his job and did not want to retire, the plaintiff alleges his supervisor harassed him by making various ageist remarks, including telling him he couldn’t handle the work anymore because he was getting too old, telling him that he had gotten old and slow, and telling him that he was slowing down and was not the worker he used to be. Following these remarks and his expressed intent to remain on the job, the plaintiff alleges that he was told by the CEO and his supervisor, in mid-March 2020, to take two weeks leave because he was older and they wanted to protect him from becoming infected with COVID-19. However, according to the plaintiff, the defendants failed to discuss any alternative accommodations (such as allowing him to isolate in an office, work from home, or work part-time), and instead terminated him via email while he was on COVID-19 related leave.

Readus v. Trueblue Inc. and PeopleReady, Inc. (Eastern District of Michigan)
The plaintiff, a staffing specialist, alleges wrongful termination in violation of Michigan public policy and the Michigan Whistleblower Protection Act. The plaintiff alleges that his worksite remained open, despite a shutdown order from the governor and the fact that certain other of the defendants’ locations were operating remotely in response to the COVID-19 pandemic. The plaintiff claims that he took personal leave to “avoid
having to unlawfully break quarantine and expose himself to risk,” and that when his leave expired, he complained to his supervisor about being required to “break quarantine.” The plaintiff further alleges that he complained to the defendant employer “that he would be subject to stop by the police when traveling to work,” and inquired as to why a remote work plan was not put in place. The defendant employer thereafter terminated the plaintiff. According to the plaintiff, the defendant employer falsely explained that the reason for his termination was a “massive layoff” (which plaintiff claims did not actually occur). According to his complaint, the true reasons for his termination were his complaints about the defendants’ purported violations of the shutdown order, his objections to “being forced to violate the Order and commit a criminal misdemeanor as a condition of his employment,” and the fact that he was preparing to report the supposed misconduct “to law enforcement.” With regard to his whistleblower claim, the plaintiff alleges that he was “about to report Defendants’ violation of Executive Order 2020-21,” and that he communicated that intent by complaining to the defendant employer and “by requesting that correspondence about his complaint be recorded or conducted in writing.”

May 27, 2020

Gaya v. Person Directed Supports, Inc. (Lehigh County, Pennsylvania)
The plaintiff worked as a direct support professional for an assisted living facility. He alleges that he became ill with a fever, and when he informed his supervisor, he was told to stay home. The plaintiff alleges that two days later, he went to the doctor, and as a result of the COVID-19 pandemic, was advised to self-isolate for five days. The plaintiff alleges that at the end of the five days, he called his supervisor to confirm he could return to work, but that his supervisor put someone from human resources on the line who informed him that he was terminated because he did not have a doctor’s note for the first two days that he was absent, even though his supervisor directed him to stay home. The plaintiff brings claims for wrongful discharge in violation of public policy and violations of the Families First Coronavirus Response Act and the Fair Labor Standards Act.

Nathan Singh v. Crossover Health Medical Group (Santa Clara County, California)
The plaintiff, a doctor, sued his former employer for allegedly terminating him in retaliation for making complaints about being forced to work during the COVID-19 pandemic with inadequate safety precautions. The defendant allegedly told the plaintiff that the clinic where he worked would continue operating as usual during the COVID-19 pandemic until there were not enough healthy staff to operate the clinic. Moreover, the plaintiff alleges the defendant told him that he would have to reuse PPE, and that the defendant did not follow recommended COVID-19 safety guidelines. The plaintiff alleges that in retaliation, he was wrongfully terminated three days after making the complaints at a staff meeting. He alleges that the reasons the defendant gave for his termination—the “tone” of his complaints about safety, a supposed “failure to fit into the company culture,” and that it had purportedly received “anonymous complaints about his mannerisms and level of politeness”—were pretextual, and that his termination violates California state law and common law.

Taylor v. Five Star Senior Living, Inc. (Greene County, Missouri)
The plaintiff was a resident assistant at an assisted living facility. She alleges that she provided care for, and had direct contact with, two residents who exhibited symptoms of COVID-19. The plaintiff alleges that after the two residents received positive COVID-19 diagnoses, she informed her employer that she should self-quarantine for fourteen days. She alleges that her employer denied her request, and that when she proceeded to self-quarantine, her employer told her that she had resigned. She brings claims for wrongful discharge and fraud.

The plaintiffs, a chaplain and a registered nurse, claim wrongful termination in violation of Pennsylvania’s Whistleblower Act and public policy. The plaintiffs allege that they objected to their employer’s failure to comply with proper public safety protocols in response to the COVID-19 pandemic, including the employer’s failure to provide proper protective equipment and its failure to test newly admitted patients for COVID-19, subjecting the plaintiffs and other employees to potential COVID-19 exposure. The plaintiffs claim that after they voiced their concerns to their employer and OSHA, they were terminated. One plaintiff claims he was terminated purportedly for failing to “pass the probationary period” and the other plaintiff claims she was terminated for her social media post commenting on the employer’s “lack of proper protective equipment.”

*Pezza v. Landscape Maintenance Services, Inc., et al.* (District of New Jersey)
The plaintiff, an hourly maintenance employee, alleges the defendant employer, a landscaping company, terminated him while he was on medical leave. The plaintiff claims that the defendant employer violated state and federal disability law by terminating him because his doctor extended his medical leave due to concerns about COVID-19. In March 2020, the plaintiff took a medical leave due to “heart-related complications,” and in early April 2020, the plaintiff submitted a note from his doctor to the defendant employer stating that, due to his heart condition, the plaintiff must limit his potential exposure to COVID-19 and should therefore self-quarantine for an additional four weeks. Thereafter, while the plaintiff was in self-quarantine, the defendant employer terminated him. In addition to his disability discrimination claims, the plaintiff also asserts violations of the Fair Labor Standards Act and New Jersey Wage and Hour Law, alleging that the defendant employer failed to pay overtime wages, and that his termination was also in retaliation for his complaints concerning the defendant employer’s failure to pay such overtime wages.

**May 26, 2020**
*Dustin Robbins v. Dallas County, Iowa; Douglas Lande; Chad Leonard, both individually and in their official capacities* (Dallas County, Iowa)
According to the plaintiff, a former correctional officer in a county sheriff’s office, his employer issued an email “that a co-worker had tested positive for COVID-19, but because the employee was symptom-free they would be returning to work ‘with precautions.’” The plaintiff says that he and several of his co-workers discussed their fears that an “infected co-worker” returned to work “prematurely.” The plaintiff claims that he called the Iowa Department Corrections “hotline” and reported that the
“Dallas County Sheriff’s Office was allowing an employee infected with COVID-19 to return to work, creating a potential significant health hazard to staff and inmates in the form of the spread of COVID-19.” The plaintiff claims that within an hour his report, his employer issued an email “stating that the infected co-worker would not be returning to work at that time after all.” The plaintiff claims that he then raised a concern about potential infection risk in a group meeting, and that his superior accused him of going to the media and the Department of Health, which the plaintiff denies. The plaintiff claims that later that day, another superior chastised him for making an external report. The plaintiff claims that his superior told him to leave the premises and not come back. The plaintiff alleges unlawful retaliation in violation of public policy, and seeks compensatory damages, reinstatement with back pay, attorney fees and costs, and other equitable relief.

Monroe v. Southeast SNF LLC dba Southeast Nursing & Rehabilitation Center (Bexar County, Texas)
The plaintiff, a vocational nurse, alleges that her employer was grossly negligent during the COVID-19 pandemic, and that she was terminated in violation of the Texas Health and Safety Code and the Texas Occupational Code. The plaintiff alleges that Texas Health and Human Services mandated that during the COVID-19 pandemic, nursing facilities must: (1) “implement screening protocols for anyone entering their facility;” (2) “screen staff for COVID-19 using guidelines issued by the Centers for Medicare and Medicaid Services;” (3) “maintain strong infection prevention and control programs to prevent the spread of communicable diseases;” and (4) “check for fever of staff…and provide personal protective equipment to residents or staff.” In March 2020, the plaintiff reported several violations of the law to her supervisors, informing them that: (1) the plaintiff was not provided PPE; (2) a co-worker had entered the facility without washing his hands or having his temperature checked; and (3) employees were leaving the facility doors open, all in violation of government mandates. The plaintiff also alleges that her employer was grossly negligent by “failing to provide rules regarding COVID-19 minimization, failing to warn [her] of the potential COVID-19 outbreak, failing to provide PPE as required, failing to provide a reasonably safe work place, and failing to hire competent co-employees.” The plaintiff claims that she “requested time off due to her advanced age and her heightened risk of injury should she come in contact with COVID-19,” but her request was denied and she was terminated. As a result, the plaintiff is seeking statutory and common law damages, including damages for past and future loss of earning capacity, exemplary damages, mental anguish, lost wages, exemplary damages, attorney’s fees, and court costs.

Rayer v. The Venue at Winding Hills, Inc. (Duchess County, New York)
The plaintiff, an event planner for the defendant employer, claims she was terminated in violation of the New York Whistleblower law. The plaintiff alleges that she was a non-essential employee, and that defendant required her to work onsite in violation of an executive order issued by Governor Cuomo mandating that all non-essential businesses cease onsite operations and permit non-essential employees to telework to the maximum extent possible in an effort to stop the spread of COVID-19. The plaintiff alleges that after she began working at home as required by the executive order, her supervisor first required her to attend several meetings on premises and then directed her to return to work on premises full-time. The plaintiff claims she expressed concern to her
supervisor on April 21, 2020, about being required to work onsite, about the lack of PPE, and about the lack of adherence to social distancing requirements. The plaintiff alleges the defendant informed her that she was terminated. Subsequently, in a written notice of termination, the plaintiff was told that her position was eliminated as part of a workforce reduction. The plaintiff alleges the defendant subsequently posted an advertisement on Indeed.com for the event coordinator position she held. The plaintiff claims the defendant’s stated reason for her termination was pretextual, and that the real reason for her termination was because she voiced concerns to her supervisor about the violations of the executive order, which exposed the plaintiff and other employees and members of the public to COVID-19. In addition, the plaintiff claims that the defendant has violated New York Labor Law, alleging that her employment agreement did not properly address commission payments, and that the defendant failed to provide her with the required statutory wage notice.

May 25, 2020

*Gavilanes v. Lusardi Ltd., et al.* (Queens County, New York)
The plaintiff was employed as a cook at Lusardi, a restaurant in New York. The plaintiff alleges that he was told to go home until further notice after he coughed in front of a supervisor. He alleges that even after two weeks with no symptoms of COVID-19, he was told that he should not come back to work, and that his final paycheck was in the mail. The plaintiff brings a claim for discrimination in violation of the New York City Administrative Code, as well as various claims for wage and hour violations.

*Jackson v. Midnight Express Power Boats, Inc.* (Southern District of Florida)
The plaintiff, a former employee of a powerboat-building company, alleges that he was unlawfully discharged in violation of the Emergency Paid Sick Leave Act (EPSLA) (part of the Families First Coronavirus Response Act). The plaintiff claims, that “[f]or his own safety and that of those around him,” he needed to leave work due to experiencing COVID-19 symptoms. The plaintiff requested sick leave while self-quarantining, and was terminated. Given the temporal proximity of his request for leave and his termination, the plaintiff claims that the defendant employer retaliated against him for attempting to seek leave under the EPSLA.

May 22, 2020

*Collins v. ASO Safety Solutions* (Morris County, New Jersey)
The plaintiff, a shop foreman, alleges he was terminated in violation of the New Jersey Conscientious Employee Protection Act. The plaintiff alleges that while he was on vacation for a week, his employer instituted a new policy regarding a two-week self-quarantine for employees who had recently traveled. Upon return from his vacation, the plaintiff self-quarantined for two weeks, and during that time, the plaintiff alleges that he “was aware from co-workers that [his employer] had not implemented safeguards to protect employees from COVID.” As a result, the plaintiff advised his employer that “he was not coming back to work after self-quarantine for fear of being infected and potentially exposing his elderly mother....” The plaintiff alleges that “he was asked to reconsider returning to work or resign from his position,” in response to which the plaintiff advised his employer that he had no plan of resigning. The
plaintiff subsequently requested leave under the CARES Act in order to care for his nephew, and was subsequently terminated. The plaintiff also alleges that he was retaliated against for “voicing his concerns about what the plaintiff believed to be violations of the law and Executive Orders engaged in by” his employer.

Morales v. Sunrise Meats, Inc., et al. (Southern District of Florida)
The plaintiff, an hourly employee working in various positions, including butcher, alleges the defendant employer, a convenience store and butcher shop, terminated him for complaining about the employer’s failure to follow safety guidelines promulgated by the CDC due to the COVID-19 pandemic. The plaintiff claims that by failing to follow CDC guidelines, the defendant employer violated OSHA regulations, and the plaintiff’s complaint to the employer was therefore protected activity under Florida’s whistleblower law. Notably, the plaintiff also includes FLSA collective action claims on behalf of similarly-situated hourly employees, for the defendant’s alleged failure to pay overtime wages.

May 21, 2020
Spells v. Physician and Tactical Healthcare Services LLC dba Paths LLC (District of New Jersey)
The plaintiff, a Medicare billing specialist, alleges that he was wrongfully terminated in violation of the Families First Coronavirus Response Act (FFCRA). The plaintiff alleges that he informed his employer when he was instructed by a doctor to self-quarantine for 14 days after he began to experience symptoms, “some of which resembled COVID-19 symptoms.” The plaintiff claims that the defendant employer refused to provide him with paid sick leave, and “advised him that filing for unemployment benefits would be ‘better than taking sick leave.’” After he tested negative for COVID-19, the plaintiff sought permission to return to work in a remote capacity (as most other employees had allegedly been permitted to do), but that the defendant employer claimed that his “position does not allow the work from home option.” The plaintiff claims he has not been returned to work, despite being medically cleared to do so, and alleges that “he was terminated from his employment and not rehired with Defendant . . . as a result of his requests for paid sick leave under the FFCRA/FLSA.”

May 20, 2020
Andrea Hinich v. Norwood Life Society, Inc, et al. (Cook County, Illinois)
The plaintiff, an assistant director of nursing, claims wrongful termination in violation of Illinois’s Nursing Home Care Act and Whistleblower Act, and retaliation in violation of public policy. The plaintiff alleges that she raised serious safety issues related to COVID-19 that were “disregarded and ignored by her supervisors.” The plaintiff claims that after she refused to “work under conditions which contravened government-mandated safety guidance,” she was terminated without warning, purportedly for “insubordination.”

Kraemer v. Golding Radiology, Ltd. (Washoe County, Nevada)
The plaintiff, a radiologist, seeks declaratory and injunctive relief, and money damages, for breach of his employment and shareholder agreement. The plaintiff alleges that when his relationship with the CEO began to deteriorate, the plaintiff tried to amicably sever ties with his employer and discussed with the president possible job opportunities he was examining, and the impact of the non-compete provision in his
employment agreement. The plaintiff alleges that he was subsequently terminated “for cause” after this discussion. The plaintiff claims that the “termination ‘for cause’ coincide[d] with a significant drop in volume of work during the COVID-19 pandemic,” and the “for cause” designation “was pretextual, as [plaintiff’s] services were no longer needed due to the drop in volume [of work] and his termination was a way to save money by avoiding having to pay [plaintiff’s] severance package.”

_Bryant v. Gray Construction Inc._ (Multnomah County, Oregon)
The plaintiff, a temporary employee who worked as a temperature taker at a construction site during the COVID-19 pandemic, alleges that the defendant discriminated against her and retaliated against her because she reported to the defendant information she believed to be in violation of a state or federal law, rule or regulation. As part of its COVID-19 screening process, the defendant construction company required employees to have their temperatures taken before being allowed entry to the construction site. The plaintiff alleges she reported that the defendant was allowing employees to enter the construction site in violation of safety rules, including use of faulty thermometers. Specifically, the plaintiff says she was directed to allow employees to enter the construction site under the following circumstances: (1) the thermometer malfunctioned and did not take a reading; (2) the thermometer read 100.4° or higher on the first reading, at which point she was directed to re-take the temperature behind the ear to obtain a lower reading; and (3) employees were instructed to place cold drinks on their heads before having their temperature taken to get a lower reading. The plaintiff also alleges she reported that employees were entering the construction site without wearing required masks. The plaintiff alleges the defendant told the temporary agency she worked for that it wanted to “go in a different direction,” which resulted in her termination.

_May 19, 2020_
_Carnival v. Jim’s Towing Service, Inc._ (Kern County, California)
The plaintiff, a tow truck driver, claims wrongful termination in violation of California public policy and California Labor Code Sections 232.5, 1102.5(b) and 6301(a)(1). He alleges that his employer ordered one of its tow truck drivers to pick up a motorist whose wife had COVID-19 and who was himself a “likely carrier of COVID-19.” The plaintiff alleges that upon learning of that dispatch by reviewing records, he discussed the assignment with his fellow employees, and “disclosed to his co-employees and [the director of towing] that [the defendant employer] failed to do everything reasonably necessary to protect the life, health, and safety of its employees.” The plaintiff claims he told the director of towing that the employer should have told the other tow truck drivers that a driver was dispatched to assist a motorist who likely had COVID-19. The plaintiff alleges that in response, the director of towing fired the plaintiff for discussing working conditions with his fellow employees, for complaining of unsafe working conditions, and for reporting violations of law.

_Troy v. Mark Kriwinsky DDS, Inc., et al._ (Northern District of Ohio)
The plaintiff, a dental assistant, alleges that the dentist she worked for refused to follow the health and safety regulations imposed by Ohio’s governor in response to the COVID-19 pandemic. The plaintiff claims she complained about the company’s refusal to follow the restrictions put in place, and was given the option to take a leave of absence until the
company was permitted to reopen for dental procedures. When the plaintiff sought to return from the leave of absence, she was allegedly told that the company would “stay with the staff [they had].” The plaintiff brings a claim for wrongful termination in violation of public policy, as well as unrelated claims for failure to pay overtime.

May 18, 2020

Gasper v. Mack Industries (Medina County, Ohio)
The plaintiffs, book keepers and a receptionist at a concrete manufacturing and supply business, allege wrongful termination in violation of Ohio law. The plaintiffs claim that their employer falsely explained that they were being terminated in connection with a “reorganization of job positions to consolidate one or more positions with the same or similar responsibilities because of change in business conditions” arising out of the COVID-19 pandemic. The plaintiffs allege that the true reason for their terminations was to replace them with younger, less-qualified employees, in violation of Ohio RC 4112.02(A).

May 15, 2020

Celsa Garcia v. Texas Market Research Group LLC dba Reconnaissance Market Research (ReconMR) (District Court, Hays County, Texas)
The plaintiff, formerly employed as a call center manager for a market research company, claims that she was fired because she would not allow employees under her supervision to work at the defendant's call center in Bryan, Texas, when a COVID-19 shelter-in-place order was in place. The plaintiff asserts that the defendant employer was not an essential business and therefore only was permitted to conduct minimum basic operations at its call center in Brazos County, Texas. Per the plaintiff, she so notified her superiors and complied with the county order, informing all 147 market research agents in the call center to stay home and wait for work-from-home options (which were under development). The plaintiff claims that she then received a question from a market research agent about the availability of unemployment compensation benefit options if agents were not equipped to work from home. One of the plaintiff's superiors thereafter allegedly contacted one of the plaintiff’s subordinates and instructed the subordinate “to call agents to see whether they would be willing to come into the call center to work if they were unable to utilize the work from home option.” The plaintiff claims that, when she “learned of this directive” she “immediately emailed” her superiors and advised that if the employer “allowed agents to work at the call center in violation of the Brazos County [order] she would not participate in the violation by managing these agents or providing support staff to assist these agents.” The plaintiff claims that “[l]ess than 24 hours following this email” her employment was terminated on March 31, 2020, via conference call. The plaintiff claims wrongful discharge based on her refusal to commit an illegal act she reportedly thinks would have subjected her to criminal penalties. The plaintiff seeks loss of income, benefits, emotional distress, exemplary, and other damages.

Sarah Cusick v. Medstar Health Inc. and Washington Hospital Center Corporation (Superior Court, District of Columbia)
The plaintiff (a self-described “accomplished student and young professional”) claims that she was wrongfully terminated from her position as a hearing and speech assistant after she “reported and protested the failure of senior managers, including her supervisors, to ensure that the Hospital’s patients, staff, and visitors were properly protected against exposure [to COVID-19].” In her role at the defendant hospital, the plaintiff...
conducted newborn hearing screenings; assisted diagnostic tests on inpatients and outpatients; and performed administrative office support functions. In her complaint, the plaintiff broadly presents her critical analysis of – and concerns about – the hospital’s patient screening, access, scheduling, distancing, and processing protocols; personal protective equipment; and sanitation processes (at the beginning of the pandemic). In her complaint, she admits that, in mid-March 2020, she uploaded video of the hospital cafeteria, “directing her post to the Twitter accounts of [the Mayor] and the Hospital” with a request that the mayor’s executive order be amended to cover public areas of medical facilities, which the plaintiff opined posed safety risk. Two days later, the plaintiff again sleuthed with her personal cell phone, recording herself entering the hospital and passing through the front desk without being screened. The plaintiff then “walked to another entrance… and requested to record a conversation with a security guard about check-in procedures.” The plaintiff uploaded these two videos to Twitter (with commentary) and tagged the hospital’s Twitter account. After a discussion with coworkers about potentially rescheduling non-emergent patient appointments, the plaintiff “tweeted an update that MedStar was finally in the process of updating its rescheduling protocol for non-emergent patients.” That day she recorded and posted new video of the hospital’s cafeteria, with commentary. The plaintiff claims that shortly after these social media posts, she was asked to meet with management and was told that she had violated her “social media contract” and had violated patient and employee rights by uploading videos of patients’ and physicians’ faces. The plaintiff reportedly advised management that, “as a last resort to get management’s attention to … time-sensitive issues, she had turned to social media.” The plaintiff claims wrongful discharge in violation of public policy and requests compensatory and consequential damages, punitive damages, and attorney fees.

_Evans v. Kast Construction Company LLC_ (Southern District of Florida) The plaintiff, a former interior superintendent at a construction company, alleges that he was unlawfully discharged in violation of the Emergency Paid Sick Leave Act (EPSLA) (part of the Families First Coronavirus Response Act (FFCRA)). The plaintiff alleges that the defendant gave him no “reasons for his termination, except that he was not a good fit.” The plaintiff claims that the actual reason he was terminated was “for taking leave in accordance with the FFCRA/EPSLA when Plaintiff was unable to work (or telework) due to a need for leave because he was subject to a State and local quarantine and/or isolation order related to COVID-19.” Thus, the plaintiff alleges an unlawful discharge.

**May 13, 2020**

_Shuttleworth v. Eriez Manufacturing Co._ (Erie County, Pennsylvania) The plaintiff, the CEO of a manufacturing company, claims wrongful termination in violation of Pennsylvania public policy. He alleges that the employer’s owner and chairman of the board repeatedly insisted that the company remain open and “put the burden on the Commonwealth to force [the defendant] to close,” despite a Pennsylvania executive order that required the closure of all “non-life-sustaining businesses.” The plaintiff alleges that to comply with the executive order, he made a good-faith determination that the company was not a life-sustaining business, and was required to close. The plaintiff claims he was terminated as a result by the board of directors based on his attempt to comply with the executive order and temporarily close the business.
Boshell v. Paul Phillips, et al. (Somerset County, New Jersey)
The plaintiff, a former employee who has asthma, alleges various violations of the New Jersey Law Against Discrimination and wrongful termination in violation of the New Jersey Conscientious Employee Protection Act. The plaintiff alleges that as a result of the COVID-19 pandemic and the related executive orders issued by the governor of New Jersey, the defendant closed two of its offices and placed employees on furlough. After the defendant applied for and received a loan through the Payroll Protection Program, the plaintiff alleges that the defendant instructed all employees, including the plaintiff, to return to work on April 27, 2020. The plaintiff claims she was concerned about returning to work because of a lack of appropriate safety precautions in dealing with patients, a lack of PPE, and because of her underlying medical condition, which put her in a high risk category for contracting COVID-19. After the plaintiff spoke to her supervisor about her concerns, the plaintiff says she sent a follow-up email to her supervisor and Dr. Phillips, an individual defendant, requesting that she be allowed to remain on furlough or be placed on leave. The plaintiff also asked in the email, “who’s going to be responsible for medical bills/supporting my family? If something fatal happens, is the office responsible for it?” The plaintiff alleges that following this email, Dr. Phillips told her that he was terminating her employment due to her requests, inquiries, complaints and objections and because she threatened him with liability.

Lula Jones, CNA v. Life Care Centers of America, Inc. dba Life Care Center Jacksonville (Middle District of Florida)
The plaintiff, a CNA at a Florida nursing home, alleges that she was terminated in violation of the Florida Whistleblower Protection Act and the federal Civil Rights Act of 1886. In addition to showing the executive director photographs that allegedly demonstrated “medication errors, patient neglect and the deplorable living conditions,” the plaintiff claims she complained about the purported lack of COVID-19 preparedness. The plaintiff alleges that the nursing home was hoarding PPE, and instructed the plaintiff and other staff to wear “used” cloth scarves instead of suitable masks. The plaintiff claims that after the nursing home implemented temperature checks, she was “singled out,” because she was required to pay out of pocket for COVID-19 testing despite her temperature purportedly being “just fine.” The plaintiff also alleges that her discharge (for attendance issues in 2019) was a pretext.

Fuente-Alba et al. v. Cork Alliance Inc. (Miami-Dade County, Florida)
The plaintiffs, a chief operating officer and a director of finance and accounting, allege that the defendant, a “worldwide wine distributor,” breached their employment contracts. The plaintiffs allege that the defendant, “citing COVID-19 concerns,” reduced one plaintiff’s salary by 50%, and subsequently terminated both five-year employment contracts before their expirations. The plaintiffs allege that the defendant used “the COVID-19 outbreak as an excuse to unlawfully back out of its obligations,” despite the fact that “wine sales have skyrocketed,” and “[i]n a sense, the wine distribution industry has actually benefited from the changed conditions.”

May 12, 2020
Edwin Rios v. Table Tek (Montgomery County, Pennsylvania)
The plaintiff, a crew leader in charge of assembling and maintaining pool tables, claims wrongful termination in violation of public policy and the
governor’s Business Closure Order. The plaintiff alleges that his employer ordered him to drive a small, unmarked van and to “stay under the radar” while servicing clients, despite having typically driven a company van with a logo. After the plaintiff contacted his sales manager to voice his concerns that he “was being ordered to work illegally in defiance of COVID-19 Orders,” he was directed to return to work and terminated.

May 11, 2020
Metzger v. Iowa Dermatology Clinic, P.L.C., et al. (Dallas County, Iowa)
Stocker v. Iowa Dermatology Clinic, P.L.C., et al. (Polk County, Iowa)
In similar complaints, the plaintiffs, an advanced registered nurse practitioner and a dermatologist, allege wrongful termination and breach of their employment contracts, in violation of Iowa law. The complaints allege that the defendant employer terminated the plaintiffs for “a pretextual ‘Cause’.” The complaints also allege that the defendant clinics “encouraged employees, including the Plaintiff, to continue to see patients in person in hopes of avoiding interruption in revenue,” despite “governmental restrictions and guidelines,” and the plaintiffs claim that their terminations were in response to “attempts to follow . . . governmental restrictions and guidelines [regarding the COVID-19 pandemic] and refusal to violate them.”

May 8, 2020
Kopit v. Beachwood Commons Assisted Living Ltd.; LifeServices Management Corporation (Ohio Court of Common Pleas, Cuyahoga County)
After her resignation, the plaintiff, a former senior living counselor in an assisted living facility, alleges that the defendants “wrongfully terminated” her “in violation of public policy.” The plaintiff criticized defendants response to COVID-19 and claims that she requested “prudent alterations to her working conditions, in an effort to limit her exposure and the risk to both her and her immunocompromised husband.” The plaintiff’s husband was described as a “cancer survivor” who, with his age and medical history, was in a category of “heightened morbidity and mortality risks from COVID-19.” The plaintiff reportedly sought to work remotely, a request she says was denied. The plaintiff claims that she “did what any reasonable employee would do under the circumstances and resigned from her employment with Defendants.” The plaintiff seeks reinstatement, monetary damages, and attorney fees.

May 7, 2020
Crider v. Lute Supply, Co. (Boone County, Kentucky)
The plaintiff, a manager, alleges he was wrongfully terminated. He alleges that he requested intermittent leave for jury duty and to take care of his children amid the COVID-19 pandemic. The plaintiff claims that his employer initially granted his request, but that he then received a series of text messages from his supervisor harassing him about taking leave for jury duty and to care of his children during the COVID-19 pandemic, and that he was subsequently terminated in violation of Kentucky law, the Emergency Family Medical Leave Act and the Emergency Paid Sick Leave Act.

Kanyuk v. Shearman & Sterling LLP (Southern District of New York)
Plaintiff, the Manager of Facilities and A/V and a 25-year employee at the defendant law firm, alleges wrongful termination and age discrimination in violation of New York law. The defendant employer explained that the
plaintiff was terminated due to being "accused of receiving kickbacks from vendors." The plaintiff claims that no details were provided, that he had no opportunity to defend himself, and that his employer "either made up the existence of the allegations or that they knew the allegations were likely false." Plaintiff alleges that he was second oldest employee in his department, and claims that the defendant employer's proffered reasons for his termination were "clearly a pretext for their plan to terminate their older employee in the face of the [COVID-19] business downturn."

**McIntyre v. Midwest Geriatrics, Inc.** (Douglas County, Nebraska)
Plaintiff, a medical technician at an assisted living facility, was infected with COVID-19 and alleges that she was wrongfully terminated by her employer in retaliation for attempting to take time off of work under the FMLA, due to her infection. She states that her employer claimed that she had spread COVID-19 throughout the facility. Plaintiff alleges that her employer told her that she was terminated for not wearing a mask while caring for sick residents, but plaintiff asserts that she did not wear a mask because no masks were made available by her employer. Plaintiff further alleges violations of the FLSA, Families First Coronavirus Response Act (FFCRA), and Emergency Paid Sick Leave Act (EPSLA), claiming that, prior to her termination, her employer failed to pay her for time she took off to self-quarantine.

**May 5, 2020**

**Long v. Baptist Healthcare Systems, Inc.** (Whitley County, Kentucky)
Plaintiff, a registered nurse (who was also pregnant), alleges that she was terminated when she sought workers’ compensation after quarantining herself due to possible exposure to COVID-19. Plaintiff alleges that she was terminated by her employer in order to avoid her workers’ compensation claim. Plaintiff also alleges that she was terminated, “as a means to reduce the nursing staff during COVID-19 due to a reduction in elective procedure and emergency room usage and to conceal its deficiencies in protecting its employees.”

**May 4, 2020**

**Fulmore v. City of Englewood, et al.** (Bergen County Superior Court, New Jersey)
Plaintiff, who identifies himself as a public works employee, a union steward, and an associate minister for a church, claims retaliation and discrimination and purports to bring claims under the New Jersey Conscientious Employee Protection Act and federal and states civil rights statutes. Plaintiff claims that he was treated with "hostility" after he complained that the defendant city "was not providing the employees in the [Department of Public Works] with proper safety equipment and was not properly isolating/quarantining the employees." Plaintiff also claims that a defendant supervisor “improperly and unlawfully disclosed the name of the individual who had tested positive for COVID-19 to Plaintiff.” Per Plaintiff, among other things, his supervisor told him (and not others) to self-isolate due to exposure to a coworker diagnosed with COVID-19. Plaintiff also claims that another supervisor disclosed “Plaintiff’s confidential and private health information [the fact of requested self-quarantining] to the pastor of [the church at which Plaintiff serves as an associate minister].” Plaintiff requests compensatory, punitive and emotional distress damages and other relief.

**McClendon v. USA Vinyl, LLC** (Franklin County, Ohio)
Plaintiff, a quality control supervisor, alleges that he was discharged in
violation of the FMLA, an Ohio disability discrimination law, and Ohio public policy. Plaintiff alleges he was discharged after he informed defendant that he had been in close contact with a person who had been diagnosed with COVID-19 and that his doctor ordered him to self-quarantine for 14 days because he could not be tested for COVID-19. Plaintiff alleges that defendant “told him he was being discharged for reporting his proximity to a COVID-19 sufferer.”

Perrella v. Railroad Group, LLC, et al. (Burlington County, New Jersey)
Plaintiff, an “Accounts Payable/Assistant Controller,” alleges that defendants retaliated against her in violation of the New Jersey Conscientious Employee Protection Act and the New Jersey Law Against Discrimination. Plaintiff, who alleges she is a high risk individual for COVID-19 because she suffers from several auto-immune disorders, claims she was terminated after raising concerns about defendants’ plans to take precautions against COVID-19 and complaining that she was forced to work in violation of a state shutdown order.

May 1, 2020
Korloff v. Barclay Water Management, Inc., et al. (Monmouth County New Jersey)
Plaintiff, a “Safe Delivery Specialist,” brings claims including disability discrimination, failure to accommodate, failure to engage in the interactive process, retaliation, and wrongful termination. He alleges that he suffered from a compromised immune system and his doctor provided a note that he should avoid working in the field, but that defendants refused to accommodate him. Plaintiff alleges that when his wife tested positive for COVID-19, he refused to attend work per his doctor’s orders and for the “health, safety, and welfare” of his coworkers. Plaintiff alleges he was laid off as a result and was told he “was not covered for paid leave under the Families First Coronavirus Response Act.”

Lange v. Progressive Broadcasting Systems Inc. dba WFRN Radio (Elkhart County, Indiana)
Plaintiff, a 22-year sales representative for a Christian radio station, alleges wrongful termination in violation of public policy. Plaintiff alleges the defendant’s operations are “non-essential,” and that in response to the COVID-19 pandemic and an order from Indiana’s governor, she informed her employer of her intention to work from home. Plaintiff claims that in response, her work was transferred “to a colleague who intended to disobey the governor’s stay at home order,” and she was terminated.

April 30, 2020
Rivera v. Hovione, LLC, et al. (Burlington County, New Jersey)
Plaintiff, a Mechanical Technician with a pharmaceutical company, alleges wrongful termination, retaliation, and violation of New Jersey’s Conscientious Employee Protection Act. Plaintiff alleges he was terminated as a result of his complaints about a lack of PPE and proper prevention and screening for COVID-19.

Jaramillo v. Martin Hicks, et al. (Cibola County, New Mexico)
Plaintiff, the City Manager for the City of Grants, New Mexico, alleges that defendants violated the New Mexico Whistleblower Protection Act. Plaintiff claims that the Mayor of the City ordered her to keep a City-owned golf course open in violation of a public health order put in place as a result of COVID-19. Plaintiff alleges that when she protested and refused, she was terminated.
Kristy v. Costco Wholesale Corporation, et al. (Santa Clara County, California)
Plaintiff, a meat cutter, brings numerous causes of action including disability discrimination, harassment, wrongful termination/constructive discharge, infliction of emotional distress, invasion of privacy, and defamation. He alleges that his coworkers and supervisors called him names and falsely accused him of having contracted COVID-19, and refused to work with him. Plaintiff alleges that the behavior was so severe that he was constructively terminated.

April 24, 2020

Dozier v. City of Jasper (Northern District of Alabama)
Plaintiff, a laborer with the City of Jasper’s Parks and Recreation Department, brings a claim for interference with the Families First Coronavirus Relief Act. Plaintiff alleges that she requested 12 weeks of leave to care for her children, whose schools were closed as a result of COVID-19, but the City refused her request and terminated her employment.

April 23, 2020

Reggio v. Tekin & Associates, LLC (County of Dallas, Texas)
Plaintiff alleges wrongful termination in violation of the public policy of the State of Texas. Plaintiff, who lives in Dallas County but works in Collin County, alleges she was terminated after she refused to violate a Dallas County shelter-in-place order that purportedly made it unlawful for her to travel to work in another county.

April 22, 2020

Milanes v. Alaris Health, LLC (Hudson County, New Jersey)
Plaintiff, a nurse, alleges retaliation and whistleblower claims under New Jersey law, as well as battery and fraud, against her former employer, a long-term care facility. Plaintiff, who contracted COVID-19 while working at the defendant nursing home facility, asserts that she was terminated after notifying local public health authorities of the defendant’s attempts to cover-up the spread of COVID-19 at the facility, as well as defendant’s failure to provide PPE to the staff.

Chapman v. Alaris Health, LLC (Hudson County, New Jersey)
A companion case to Milanes, Plaintiff, a nurses’ assistant, alleges that she was wrongfully discharged in violation of public policy, and in violation of state whistleblower law. Plaintiff alleges that despite testing positive for COVID-19, defendant terminated her for not returning to work.

Frunzi v. MEI Group (Tarrant County, Texas)
Plaintiff alleges that his termination amounted to disability, age, and race discrimination, among other forms of discrimination, pursuant to the Texas Commission on Human Rights Act. Plaintiff states that he has a preexisting lung condition, of which the defendant employer was aware, and requested an accommodation in the form of working from home during the COVID-19 pandemic. Plaintiff alleges that he gave his employer a doctor’s note stating that he was at a heightened risk for COVID-19 because of his lung condition, and that the defendant terminated him the next day.

April 21, 2020

Woolslayer v. Driscoll (Western District of Pennsylvania)
Plaintiff alleges retaliation under 42 U.S.C. § 1983, against the President
of Indiana University of Pennsylvania. Plaintiff alleges that he was
terminated in retaliation for informing other employees of the University
where he worked that a colleague’s family member had been infected
with COVID-19.

Benavides v. Board of Regents of the University of Michigan, et al.
(Washtenaw County, Michigan)
Plaintiff asserts disability discrimination claim under Michigan law. Plaintiff
alleges that due to her possible infection with COVID-19, her supervisor
and HR at the hospital where she worked advised her to not come to
work until she received her COVID-19 test results. Plaintiff claims that
despite this advice, after calling in sick for several days, the hospital
terminated her for a “continued pattern of unscheduled absences.”

April 17, 2020
Andrews v. Andrews Hydra Platforms, Inc. (County of York, South
Carolina)
Plaintiff alleges a violation of the federal Emergency Paid Sick Leave Act
(part of the Families First Coronavirus Response Act (FFCRA)) and South
Carolina Payment of Wages Act. Plaintiff alleges that she was terminated
for seeking paid leave under the new federal law in order to take care of
her children, whose school had been closed due to the pandemic.

April 16, 2020
Sizemore-Harvey v. Senior Haven LLC (Multnomah County, Oregon)
Plaintiff alleges state law whistleblower and sick leave retaliation claims
against her former employer, an assisted living facility. Plaintiff claims she
was terminated in violation of state law after she reported to defendants
that she believed it was in violation state and federal safety rules by
continuing to encourage elderly patients to continue group activities
during the COVID-19 pandemic, and after she exercised her right to take
available sick leave to self-quarantine.

April 14, 2020
Hartsuch v. Howard Young Medical Center & Jennie Larsen (Western
District of Wisconsin) (Amended)
Plaintiff, a physician employed by a staffing agency and assigned at the
defendant medical center, reportedly complained in March 2020 about
policies of the medical center, regarding Particulate Respirator N95
facemasks and regarding the discharge of COVID-19 patients unable to
self-isolate. He also reportedly communicated with the medical center
about, among other things, the supply of N95 facemasks. Plaintiff claims
that he was thereafter removed from the schedule and then discharged.
Plaintiff alleges that defendants violated public policy and violated Wis.
Stat. § 230.83, and that the individual defendant defamed him.

Thomas v. Franciscan Alliance, Inc. (Northern District of Illinois)
Plaintiff, an emergency room nurse who suffers from asthma and is
immuno-suppressed, alleges she was fired in violation of the Illinois
Whistleblower Act and the FMLA, in part due to having taken intermittent
FMLA leave in the past. Plaintiff alleges she was assigned to a room that
lacked negative air pressure, and was thus especially dangerous due to
the COVID-19 pandemic. Plaintiff alleges that she requested safety
precautions and PPE, but was subsequently fired.

April 13, 2020
Norris v. Schoppenhorst-Underwood & Brooks Funeral Home, LLC (Bullitt
Circuit Court, Kentucky

Plaintiff, the president of a funeral home, alleges she was terminated for attempting to comply with a public mandate intended to slow the spread of COVID-19. Plaintiff discussed with staff how to safely conduct funeral services and alleges that the owner of the funeral home terminated her employment after telling her that he was not going to limit the size of gatherings at funerals or implement more frequent cleaning and disinfecting.

April 9, 2020

*Lynch v. Delisa Demolition* (State of New Jersey, Monmouth Superior Court)

Plaintiff alleges that defendants wrongly terminated his employment in violation of the New Jersey Law Against Discrimination, N.J.S.A 10:5-1, et seq., where plaintiff was purportedly separated March 31, 2020, “two days before he was scheduled to return to work from a physician-ordered and government-mandated quarantine for symptoms consistent with the novel coronavirus.” Plaintiff claims wrongful discrimination based handicap and retaliation.

*Michael Manwell v. Rochester Gear, Inc.* (Eastern District of Michigan)

Plaintiff asserting wrongful termination where plaintiff was allegedly sent home after demonstrating symptoms possibly related to COVID-19. Plaintiff claims that by separating him on March 23, 2020, defendant violated the FMLA and public policy.

April 8, 2020

*King v. Trader Joe’s East, Inc.* (Jefferson Circuit Court, Kentucky)

Plaintiff alleges wrongful termination in violation of Kentucky public policy and various Kentucky statutes. Plaintiff alleges he was terminated because he complained about workplace safety regarding the COVID-19 pandemic, and made numerous requests to Trader Joe’s to implement safety measures in accordance with the Kentucky governor’s executive orders and CDC guidance.

April 7, 2020

*Dent v. PruittHealth* (State of South Carolina, County of Bamberg, Court of County Pleas)

Plaintiff, an LPN Charge Nurse whose employment purportedly ended on March 13, 2020, alleges that defendant violated S.C. Code Ann. Section 44-4-530(E) “An employer may not fire, demote, or otherwise discriminate against an employee complying with an isolation or quarantine order…” and “other mandates of public policy relating to the standard of nursing care in nursing home facilities.” Plaintiff was allegedly told to be off for 14 days after she reported possible exposure to a relative who had in turn possibly been exposed to COVID-19, and alleges she was then terminated.

April 3, 2020

*Hanson v. Marshall County* (Marshall County Circuit Court)

Plaintiff alleges wrongful discharge in violation of Kentucky public policy, and in violation of a Kentucky whistleblower law. Plaintiff alleges she was terminated from her 911 dispatch position for voicing concerns to her supervisor about the lack of protective measures to protect employees from the ongoing COVID-19 pandemic.

April 2, 2020
**Webster v. Tower Construction Management LLC (Leon County Circuit Court)**

Plaintiff alleges that she was wrongfully terminated in violation of Florida’s Whistleblower Act. Plaintiff claims that she engaged in allegedly protected whistleblower activity when she requested a remote work accommodation in light of her and her daughter’s stated health conditions and concern for COVID-19 exposure, and that she was terminated as a result.

**Guaypatin v. Olshan Realty LLC (Southern District of New York)**

Plaintiff, a former assistant property manager, alleges violations under New York and federal law in connection with her termination. Plaintiff asserts that her employer claimed she was being terminated because her employer believed she had been potentially been exposed to COVID-19 through her daughter’s school. The plaintiff alleges her termination was pretext for national origin discrimination (Ecuadorian) and harassment in violation of the New York City Human Rights Law. Plaintiff also alleges that her employer deprived her of wages in violation of the New York Labor Code and the Fair Labor Standards Act by misclassifying her as exempt from overtime.

**March 27, 2020**

**Robbie Payne and Erica Shaw v. Radio Communications Systems Inc. dba RCS Communications (Jefferson County Circuit Court)**

Plaintiffs, a former warehouse manager and a former administrative assistant, allege that they were wrongfully terminated in violation of Kentucky public policy. Plaintiffs claim they were terminated because they raised health and safety concerns related to their employer’s obligations to mitigate COVID-19 exposure under the “general duties” provision of Kentucky’s Occupational Safety and Health Act.