

Vaccine Persecution Could Cost Illinois Hospital System Plenty

Even though the federal District Court of Illinois denied a preliminary injunction for Liberty Counsel's 14 health care plaintiffs against NorthShore University HealthSystem, it concluded that the plaintiffs are likely to prevail against NorthShore for unlawfully discriminating against them and denying religious exemptions and accommodations from the COVID shot mandate, and the law entitles them to damages and full compensation for their harms, so an injunction is not currently warranted.

In a 27-page decision issued today, Judge John F. Kness finds that NorthShore employees who prevail against NorthShore for its denial of religious exemptions and accommodations will be able to recover money damages including backpay, front pay, compensatory damages, punitive damages, attorneys fees, and several other forms of damages. Since full compensation is available to those who win against NorthShore, the court concludes that the harms they are facing now are not "irreparable," as they can be repaired through money damages.

The court said, "if Plaintiffs succeed at trial, their damages can be fully compensated through the traditional legal remedy of a damages award. Because that remedy is available, the Court cannot lawfully enter a preliminary injunction. Accordingly, although the Court will allow Plaintiffs to remain pseudonymous, the Court denies Plaintiffs' motions for a preliminary injunction and for preliminary class-wide treatment."

Some NorthShore employees face another "vaccinate-or-be-fired" deadline tomorrow and others on December 31.

On November 1, Judge Kness issued a temporary restraining order against NorthShore on behalf of Liberty Counsel's plaintiffs. The court said they are likely to prevail on Title VII and the Illinois Health Care Right of Conscience Act. At the conclusion of a preliminary injunction hearing held on November 16, 2021, the court extended the existing temporary restraining order for two weeks in order to allow time to issue today's written ruling on the injunction motion.

NorthShore has no justification for treating employees with sincerely held religious beliefs against the COVID shot any different than other employees. Even though NorthShore officials claim that employees with religious exemptions are too "dangerous" to accommodate and must be expelled from its facilities, they cannot prove this assertion.

On July 1, before it announced its "mandatory vaccination policy," NorthShore assured its employees that "we follow the guidance provided by the CDC and State and County Public Health departments," and that "processes for medical and religious accommodation requests will be in place for team members with special circumstances." On September 1, after it announced its "mandatory vaccination policy" and the October 31 deadline for full vaccination, NorthShore assured its employees that, "after October 31," "individuals who have an approved exemption" will be "eligible for ongoing weekly COVID-19 testing" as an accommodation, pursuant to the Governor's Executive Order No. 87 that mandated either vaccination or weekly testing for healthcare workers. Then on September 16, NorthShore told its employees "without an authorized exemption" they would have until October 31 to be fully vaccinated and would have to test weekly until then. At the same time, NorthShore again assured its employees "with approved exemptions" that they would be allowed to "routinely test indefinitely" after October 31, in lieu of vaccination. On September 17, NorthShore told its employees "who have approved exemptions for the current year of 2021-2022" that

“after October 31,” they will be “eligible for ongoing weekly COVID-19 testing” instead of vaccinating.

However, NorthShore previously granted exemptions for some employees but then denied them in mid-September. Those denials were either without explanation or because the requests failed to meet some so-called “evidence-based criteria” that NorthShore never provided the employees in advance. NorthShore then only gave employees three business days to file an appeal without stating what was missing in the original application. In that appeal, NorthShore also apparently judged the validity of their religious beliefs by requiring them to include their entire vaccination history since the age of eighteen. However, NorthShore never requested employees to provide prior vaccine information in their initial exemption requests.

After denying these employees, NorthShore also changed its exemption form to include a warning that all religious objections based on “aborted fetal cell lines, stem cells, tissue or derivative materials will result in denials.” NorthShore is falsely deceptive in that form by stating that the COVID-19 injections have no link to aborted fetal cell lines and refuting the religious beliefs of health care workers who object to the undeniable connection of the injections to aborted fetal cell lines.

Illinois law dictates that employees at NorthShore have the fundamental right to determine what medical care to accept and refuse. In fact, Illinois has a Health Care Right of Conscience Act that provides strong protection to all residents against discrimination based on health care choices. It states: “It shall be unlawful for any person, public or private institution, or public official to discriminate against **any person in any manner**, including but not limited to, licensing, hiring, promotion, or any other privileges, because of such person’s conscientious refusal to receive, obtain, accept or participate **in any way in any particular form of health care services contrary to his or her**

conscience” (emphasis added).

Liberty Counsel Founder and Chairman Mat Staver said, “Northshore University HealthSystem is unlawfully denying religious exemptions from the COVID shot mandate. Liberty Counsel will continue to litigate its class action against NorthShore in order to hold it accountable for its mistreatment of its healthcare heroes to the fullest extent of the law. We are confident that justice will prevail.”

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