

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM

PAIGE CASEY,

Plaintiff,

v.

**MINUTECLINIC DIAGNOSTIC OF
VIRGINIA, LLC; CVS HEALTH, INC.,**

SERVE:

**C T CORPORATION SYSTEM
4701 Cox Road
Suite 285
Glen Allen, Virginia 23060**

Civil Action No. _____

Defendants.

VERIFIED COMPLAINT

Plaintiff Paige Casey for her Complaint states as follows:

INTRODUCTION

MinuteClinic Diagnostic of Virginia, LLC, employed Paige Casey as a nurse practitioner from 2018 to 2022. For the first three years, MinuteClinic accommodated Mrs. Casey's religious convictions against prescribing or administering abortion-causing drugs. Despite no complaints or incidents resulting from that accommodation, MinuteClinic abruptly stopped respecting Mrs. Casey's religious beliefs in December 2021 and fired her on April 1, 2022, solely for refusing to prescribe

abortion-causing drugs. That wrongful discharge for refusal to participate in abortion violated the express provisions of, and public policy in, Virginia's Conscience Clause (Va. Code § 18.2-75), causing Mrs. Casey extensive monetary and other damage. This lawsuit seeks to remedy the injuries Mrs. Casey suffered to her conscience rights and the related costly harms.

JURISDICTION & VENUE

1. This Court has personal and subject matter jurisdiction under Va. Code §§ 8.01-328.1, 17.1-513.

2. This Court has authority to issue the relief sought under Va. Code §§ 8.01-184 through -190 (declaratory judgment and costs) and 17.1-513 (damages and costs).

3. Venue is proper in this judicial district under Va. Code § 8.01-262(3) because the petition is brought in the Circuit Court of a county where the Defendants regularly conduct substantial business activity.

PARTIES

Plaintiff

4. The Plaintiff, Paige Casey, is an adult citizen of the United States and a resident of Virginia.

5. Mrs. Casey is a nurse practitioner, licensed to practice in Virginia since 2018.

6. She received her master's degree in nursing from Virginia Commonwealth University in 2017.

7. As a practicing Roman Catholic in good standing with her Church, Mrs. Casey believes that life begins at conception.

8. She is prohibited by long-settled Catholic moral teaching from providing, prescribing, or facilitating the use of any drug, device, or surgical procedure that can cause abortion—including drugs like certain hormonal contraceptives, Plan B, and Ella.

9. Violating these beliefs by participating in the destruction of an innocent human life would cause Mrs. Casey substantial harm.

Defendants

10. MinuteClinic Diagnostic of Virginia, LLC has its principal place of business at One CVS Drive, Woonsocket, Rhode Island 02895.

11. MinuteClinic is fully owned and controlled by CVS Health, Inc., which is a Delaware corporation that also has its principal place of business at One CVS Drive, Woonsocket, Rhode Island 02895.

12. MinuteClinic operates medical facilities that provide non-emergent medical treatment to patients on an appointment and walk-in basis.

FACTUAL ALLEGATIONS

13. On June 3, 2018, MinuteClinic offered Mrs. Casey a job as a nurse practitioner on its 23- Northern VA Suburbs team of practitioners.

14. The 23- Northern VA Suburbs team of practitioners works in Prince William and Fairfax Counties.

15. She accepted that offer on July 12, 2018, and her first day of employment with MinuteClinic was September 4, 2018.

16. Mrs. Casey primarily worked at the Del Ray MinuteClinic #01410, located at 415 East Monroe Avenue, Alexandria, Virginia 22301, but was expected to travel to and staff other clinics as needed by the business.

17. Mrs. Casey's job responsibilities included:

1. Evaluating, treating, and providing health counseling for patients 18 months of age and above;
2. Educating patients on maintaining proper health;
3. Responding to patient care inquiries throughout the day;
4. Managing multiple demands and needs of clinic operations, patients in the waiting room, and incoming phone calls while maintaining focus on and high-quality care for the patient in the exam room.

18. During orientation in September 2018, Mrs. Casey notified Defendants of her religious convictions prohibiting participation in abortion.

19. Several months later, her supervisor, Blen "Billie" Abdi, asked her to submit her religious beliefs and request for an accommodation in writing.

20. On February 26, 2019, Mrs. Casey submitted a completed CVS Health's Request for Religious Belief or Practice Accommodation form to Thomas Maloney—a member of the Advice and Council Department of CVS Health.

21. On the form, Mrs. Casey described her religious convictions regarding abortion—specifically stating that as a practicing Roman Catholic she is prohibited from prescribing or facilitating the use of a drug or device that prevents or can prevent implantation of a fertilized egg—and requested and suggested a reasonable accommodation.

22. Defendants accommodated that religious conviction for three years and did not require Mrs. Casey to prescribe or administer hormonal contraception or any other abortion-causing drug or device.

23. There were no complaints from co-workers, patients, or supervisors while her accommodation was in place or at any time during her employment with Defendants.

24. Mrs. Casey's work was outstanding, and she had no performance issues throughout her employment with Defendants.

25. On or about August 26, 2021, Defendants announced in a townhall meeting that they would no longer accommodate employees with religious convictions against prescribing abortifacients, hormonal contraceptives, and other forms of birth control that can cause abortions.

26. In a letter dated December 6, 2021, nearly 3 years after receiving Mrs. Casey's original request for an accommodation, the CVS Health Advice & Counsel Team advised Mrs. Casey it had received her previous request for an accommodation of her religious beliefs and asked for more information.

27. On December 19, 2021, Mrs. Casey resubmitted CVS Health's Request for Religious Belief or Practice Accommodation form to the CVS Health Advice & Counsel Team, accompanied by a letter reiterating her religious belief that life begins at conception and that she therefore cannot participate in providing abortion or abortion-causing drugs, including hormonal contraceptives.

28. Mrs. Casey's December 19 letter described ways her religious convictions were already being accommodated without affecting patient care.

29. In a letter dated January 18, 2022, Defendants informed Mrs. Casey they would no longer accommodate her religious beliefs prohibiting her from prescribing drugs that may cause an abortion.

30. On March 4, 2022, Mrs. Casey's supervisor Blen "Billie" Abdi confirmed in a phone call with Mrs. Casey, Area 2 Director Natalie Licktieg, and HR Business partner Virginia Grasso, that Defendants would stop accommodating Mrs. Casey's religious beliefs.

31. In a March 25, 2022, telephone conversation, Mrs. Casey again informed her supervisor, Abdi, of her religious beliefs prohibiting her from prescribing abortion-causing drugs and of her desire to continue employment with Defendants.

32. Abdi said that no accommodation would be made, even when the clinic is double staffed.

33. On March 27, 2022, Mrs. Casey received a merit-based pay increase.

34. On March 29, 2022, Mrs. Casey emailed Abdi, Virginia Grasso, and Natalie Lickteig reasserting her religious convictions prohibiting her from prescribing or dispensing abortion-causing drugs.

35. Natalie Lickteig responded via email that same day, confirming that “Reasonable Accommodations/Exceptions will not be accepted moving forward.”

36. On March 29, 2022, MinuteClinic notified Mrs. Casey of her separation from CVS Minute Clinic, effective April 1, 2022 solely because of her religious beliefs prohibiting provision of abortion-causing drugs.

LEGAL ALLEGATIONS

37. Virginia law states: “[A]ny person who shall state in writing an objection to any abortion or all abortions on personal, ethical, moral or religious grounds shall not be required to participate in procedures which will result in such abortion, and the refusal of such person, hospital or other medical facility to participate therein shall not form the basis of any claim for damages on account of such refusal or for any disciplinary or recriminatory action against such person, nor shall any such person be denied employment because of such objection or refusal. The written objection shall remain in effect until such person shall revoke it in writing or terminate [her] association with the facility with which it is filed.” Va. Code § 18.2-75.

COUNT I Violation of Plaintiff’s Freedom of Conscience (Va. Code §18.2-75)

38. The Plaintiff realleges all matters set forth in paragraphs 1–36 and incorporates them herein.

39. Mrs. Casey was employed by Defendants as a medical professional from 2018–2022.

40. Mrs. Casey informed Defendants in writing of her religious objection to participating in any abortion or course of treatment that could cause abortion.

41. Defendants fired Mrs. Casey because of her refusal to participate in abortion.

42. The Virginia Conscience Clause expressly states the Commonwealth’s public policy prohibiting employers from terminating medical-professional employees for failure to participate in abortion. Va. Code § 18.2-75.

43. Plaintiff is a medical-professional employee who is a member of the class protected by the Virginia Conscience Clause.

44. Defendants operate a medical facility that wrongfully discharged Mrs. Casey in violation of the Virginia Conscience Clause’s public policy.

45. Defendants are subject to equitable relief and liable for damages resulting from their violation of Virginia public policy, pursuant to *Bowman v. State Bank of Keysville*, 229 Va. 534, 331 S.E.2d 797 (1985).

Prayer for Relief

Plaintiff respectfully asks this Court to enter judgment against Defendants and provide the following relief:

1. A declaration that Defendants’ termination of Mrs. Casey because of her religious refusal to participate in abortion violated the provisions of Va. Code Ann. § 18.2-75 and Virginia public policy as reflected in that statute;

2. An award of compensatory damages (including lost wages, front pay, and back pay), punitive damages, and/or nominal damages, in the amount of \$100,000 or as determined by the finder of fact in accordance with the proof, plus interest at the legal rate until paid to the Plaintiff;

3. Retain jurisdiction of this matter for the purpose of enforcing its orders;

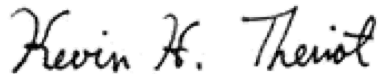
4. An award of costs and expenses in this action, including reasonable attorneys' fees, in accordance with Va. Code § 8.01-190 to the Plaintiff;

5. A grant of any other relief the Court deems equitable and just in the circumstances; and

6. An appointment of a jury of Mrs. Casey's peers to try the issues of fact.

Dated this 31st day of August, 2022.

Respectfully Submitted,



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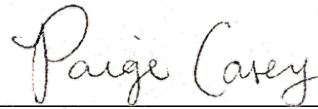
Counsel for Plaintiffs

* Motion *pro hac vice* forthcoming

VERIFICATION OF COMPLAINT

I, Paige Casey, a citizen of the United States and a resident of the Commonwealth of Virginia, hereby declare under penalty of perjury pursuant to Va. Code § 8.01-4.3 that I have read the foregoing Verified Complaint and declare the factual allegations therein, and the facts as alleged are true and correct.

Executed this 30th day of August, 2022, at Alexandria, Virginia.

A handwritten signature in cursive script that reads "Paige Casey". The signature is written in black ink and is positioned above a horizontal line.

Paige Casey