

As the Court indicated in its previous order 21, and now having given the parties a chance to respond [Dkts. 22, 25], the Court is dismissing Plaintiff's Title VII claim sua sponte. In order to state a prima facie case under Title VII for religious discrimination, Plaintiff must show that (1) a bona fide religious practice conflicts with an employment requirement; (2) she brought the practice to her employers attention, and (3) the practice was the basis for the adverse employment action. *E.E.O.C. v. Union Independiente de la Autoridad de Acueductos y Alcantarillados de Puerto Rico*, 279 F.3d 49, 55 (1st Cir. 2002). Plaintiff's complaint fails at the first hurdle. The basis of Plaintiff's Title VII complaint is that she "has sincerely held religious beliefs which place her in conflict with the provisions of the Mandatory Vaccine Policy and prevent her from receiving the injections required thereunder" but that her application for a religious exemption was denied. [Dkt. 8 "Compl." at ¶ 33]. However this, even along with the sections of the Amended Complaint that Plaintiff highlights, is devoid of the necessary factual details about Plaintiff's religious views and/or her beliefs which preclude her from taking the vaccine. [See Dkt. 22 at 4]. The complaint only contains conclusory statements which are insufficient in order to state a claim. See *Griffin v. Massachusetts Dep't of Revenue*, No. 22-CV-11991-FDS, 2023 WL 4685942 (D. Mass. July 20, 2023) ("a simple ipse dixit by the plaintiff - 'this employment requirement conflicts with my religion' - is not sufficient to allege such a claim. A stated claim of religious belief, without more, cannot grant an individual 'a blanket privilege 'to make his own standards on matters of conduct in which society as a whole has important interests") (quoting *Africa v. Commonwealth of Pennsylvania*, 662 F.2d 1025, 1031 (3d Cir. 1981)(additional quotations omitted). Plaintiff attaches to her supplemental brief a letter she sent her employer previously that described the religious objections she shared with her employer in greater detail. [Dkt. 22-2]. Such a document introduced in supplemental brief would ordinarily not be considered by the Court to determine the sufficiency of the pleadings. See *In re Fin. Oversight & Mgmt. Board for P.R.*, 633 B.R. 463 (D.P.R. 2021) ("Factual allegations made for the first time in a responsive memorandum are not properly considered in evaluating the sufficiency of a complaint under a motion to dismiss for failure to state a claim.") However, even if the Court were to consider those documents, or even if the Court were to review them after permitting Plaintiff to amend her complaint a second time, Plaintiff's claim would still not be viable because there is no accommodation that Plaintiff could have offered that would not have caused them to suffer an undue hardship. As the First Circuit has found, due to the strain caused by the COVID-19 pandemic on hospitals, such exemptions would have caused an undue burden on the employer. See *Does 1-6 v. Mills*, 16 F.4th 20, 36 (1st Cir. 2021) ("The hospitals need not provide the exemption ... because doing so would cause them to suffer undue hardship"); see also *Together Emps. v. Mass Gen. Brigham Inc.*, 573 F. Supp. 3d 412, 440 (D. Mass. 2021), *aff'd*, 32 F.4th 82 (1st Cir. 2022) (denying preliminary injunction, in part, because granting such an exemption would have caused an undue burden on the hospital given that it is "essentially in the business of providing medical care to patients, many of whom are medically vulnerable to COVID-19 infection").

Accordingly, after review of the parties supplemental briefing on Plaintiff's claim of religious discrimination under Title VII, this claim is also DISMISSED. Since there are no remaining claims, Plaintiff's complaint is DISMISSED WITH PREJUDICE.