

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss.

TRIAL COURT OF MASSACHUSETTS  
SUPERIOR COURT DEPARTMENT  
DOCKET NO.:

**KAREN MASTRO,**

**Plaintiff,**

**v.**

**BOSTON MEDICAL CENTER  
CORPORATION,**

**Defendant.**

**COMPLAINT AND JURY TRIAL DEMAND**

**I. PARTIES**

1. Plaintiff, Karen Mastro, (hereinafter, the “Plaintiff” or “Mastro”) aged sixty-eight (68) was employed full-time as a Senior Patient Accounts Specialist, (hereinafter, “SPAS”) at Greater Roslindale Medical and Dental Center, (hereinafter, “GRMDC”), which is affiliated with Boston Medical Center Corporation, (hereinafter, “BMC”).
2. Defendant, BMC, is duly organized in Massachusetts, with a principal office location of 1 Boston Medical Center Plaza, Boston, Massachusetts 02118.
3. The Defendant is an employer within the meaning of 42 U.S.C. Sec 2000e (b) and M.G.L. C 151B, Sec1(5).
4. GRMDC hired Mastro on or about 1988. GRMDC became an affiliate of BMC or or around 1997.

5. Defendant intentionally and wrongly terminated Mastro's employment on October 15, 2021.

## **II. MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION ("MCAD") CHARGE**

6. Mastro filed timely charges with the MCAD. The United States Equal Employment Opportunity Commission ("EEOC") has issued Mastro her "right-to-sue" notice. Mastro brings this lawsuit within ninety (90) days of receipt of her "right-to-sue" notice. All preconditions for filing this lawsuit have been performed or have occurred.

## **III. FACTS**

7. Mastro was sixty-six (66) years old and very close to retiring when she was intentionally and wrongly terminated from BMC because of her sincerely held religious belief.
8. Mastro worked four (4) days per week in the Billing Department of BMC's affiliate, a Community Health Center, which operates Monday through Friday during normal business hours. This BMC affiliate is **NOT** an in-patient, healthcare facility.
9. According to Defendant's MCAD Position Statement, Mastro's role as a SPAS "*encompassed, but was not limited to, providing training to representatives and specialists.*" However, Mastro's role as a SPAS did **NOT** include "training to representatives and specialists". These extra role descriptions were added to Mastro's job description after she was intentionally and wrongly terminated from BMC.
10. As of June 15, 2021, the former Massachusetts Governor, Charles D. Baker, terminated the "COVID-19" State of Emergency. As a matter of law and fact, after

June 15, 2021, the Commonwealth of Massachusetts declared there was no longer any “Covid-19 Emergency” in existence.

11. On July 13, 2021, the Defendant implemented their own Mandatory Covid-19 Vaccine Policy, (hereinafter, the “Vaccine Policy”) based on United States government policies regarding entities that receive federal monies.
12. On page 1 of Defendant’s MCAD Position Statement, Defendant admitted that, “*in compliance with applicable federal, state, and local law, BMC implemented a COVID-19 Immunization Policy*”.
13. Therefore, and based on the above, Defendant announced its own Vaccine Policy on July 13, 2021, which required all of its employees to be fully vaccinated against the COVID-19 virus by October 15, 2021 and “*under the policy, employees are provided with the opportunity to seek a religious or medical exemption as a reasonable accommodation.*”
14. Mastro was *legally entitled to a Religious Exemption and Accommodation.*
15. Mastro was permitted to work remotely for two (2) years and then, for three (3) months after Defendant announced its’ Vaccine Policy without having received a COVID-19 vaccination.
16. Mastro submitted a Religious Exemption and requested an Accommodation due to her sincerely held religious beliefs.
17. Mastro offered an Accommodation to Defendant in lieu of receiving the COVID-19 vaccination that she would wear a face mask and submit to COVID-19 testing *should* she be required to be onsite.

18. Accordingly, Defendant's brief attempts to engage in a meaningful interactive process for the purpose of accommodating Mastro for her sincerely held religious beliefs were essentially emails sent back and forth between Mastro and Defendant's Human Resources Department, and **NOT** in person.
19. The Defendant could have and should have Accommodated Mastro.
20. Instead, Mastro was denied her request for a Religious Accommodation because of her sincerely held religious beliefs despite the fact that she worked entirely remotely for two (2) years with limited opportunity of working face-to-face with other employees.
21. Upon information and belief, Mastro's colleagues who chose to get vaccinated for Covid-19 are still working remotely.
22. Mastro was a dedicated, loyal employee. She valued and enjoyed her work at BMC.
23. Per page 6 of Defendant's EEOC Position Statement, "***In spite of numerous opportunities to comply with the Immunization Policy, Complainant did not receive the vaccine and her employment ended and her employment ended on October 15, 2021.***"
24. Mastro was intentionally and wrongly terminated from BMC. Again, at the time of her intentional and wrongful termination, Mastro was employed full-time and working remotely.
25. This left Mastro feeling violated and discriminated against because she asserted her sincerely held religious beliefs.

26. Mastro suffered damages as a result of Defendant's actions including, but not limited to, lost wages, lost benefits, costs related to survival without income from work with Defendant as well as emotional stress to herself and her family.

**IV. THE COVID-19 VACCINES ARE NOT EFFECTIVE AT STOPPING THE SPREAD OF THE DISEASE**

27. Following an announcement by the Food and Drug Administration (hereinafter, "FDA") on August 2, 2021, claiming that vaccines were ninety-one percent (91%) effective in preventing COVID-19 (Pfizer), it became immediately clear that was not true.

28. Illustrating by example are the following list of visible persons that became infected by COVID-19 despite having been injected with a COVID-19 vaccine along with the date their infection was announced:

08-19-2021	U.S. Senator John Hickenlooper
	U.S. Senator Angus King
	U.S. Senator Roger Wicker
10-19-2021	Dept Homeland Security Secretary Alejandro Mayorkas
12-19-2021	U.S. Senator Elizabeth Warren
01-02-2022	Dept of Justice Secretary Lloyd Austin
03-13-2022	U.S. President Barack Obama
03-31-2022	CIA Director William Burns
04-05-2022	U.S. Attorney General Merrick Garland
04-07-2022	U.S. House Speaker Nancy Pelosi
04-09-2022	U.S. Dept of Agriculture Secretary Tim Vilsack
04-26-2022	U.S. Vice-President Kamala Harris

05-04-2022 U.S. Secretary of State Anthony Blinken  
06-01-2022 U.S. Labor Secretary Marty Walsh  
06-15-2022 Dr. Anthony Fauci  
06-2022 U.S. Senator Wicker for 3<sup>rd</sup> time (02-2022)  
07-10-2022 U.S. Senate Majority Leader Charles Schumer  
07-21-2022 U.S. President Joseph Biden  
10-22-2022 CDC Director Rochelle Walensky

29. Public Health Officials now acknowledge the fallacy of claims of protection afforded **by vaccines against COVID-19.**

a. **Dr. Deborah Birx** (Former White House Coronavirus Response Coordinator):

“I knew these vaccines were not going to protect against infection and I think we overplayed the vaccines”. <https://youtu.be/8aYqTlgIA>

b. **Dr. Anthony Fauci:**

“We know that people get infected and then get reinfected and people get vaccinated, and they get infected. So, immunity isn’t measured in decades or lifetimes. It’s measured in several months”.

<https://www.marketwatch.com/articles/Anthony-fauci-covid-19-biden-immunity-51658437525?shtied=nf-rss>

30. As of August 2020, the Centers for Disease Control and Prevention (hereinafter, “CDC”) guidance on COVID-19 protection changed to eliminate differentiation based on whether a person received vaccination and now concede that so-called COVID-19 vaccines do not prevent those injected with same from contracting, suffering and/or spreading the COVID-19 disease.

31. The majority of persons now hospitalized for COVID-19 related issues have received vaccinations and caught the COVID-19 virus anyway.
32. Defendant's "Vaccine Policy" was based on false and deceptive claims that the vaccine was required to prevent employees from contracting the virus and spreading it to others, all of which was known by Defendant.
33. Increasingly, it is becoming clear that COVID-19 vaccines did not afford the protection to the person injected or those they came into contact with and, in fact, may have both short and long-term adverse effects on the injected person
34. Defendant terminated Mastro for resisting being injected due to her sincerely held religious beliefs and Defendant refused Accommodations to her by use of masks, periodic testing, and continued working remotely from home, stating same to be inferior to the vaccine.
35. Defendant's instant degradation of masks and periodic testing by labeling them as "inferior" and unacceptable accommodation, along with Defendant's unrealistic reliance on experimental vaccines, place Defendant's historical position in question and now expose serious liberties taken by Defendant with the lives and well-being of Mastro, her family and contacts.
36. Mastro suffered financially, emotionally, psychologically and lost reputation, as Defendant wrongly terminated her and claimed that she chose to voluntarily terminate her employment.

**CLAIMS FOR RELIEF**

**COUNT I**

**GOOD FAITH AND FAIR DEALING**

37. Mastro re-alleges and incorporates the foregoing paragraphs 1-36 as set forth again here.
38. The Defendant intentionally and wrongly terminated Mastro's employment and caused her financial loss of income, loss of pension, loss of medical benefits, and caused her significant mental distress because of her sincerely held religious beliefs.
39. Said actions by the Defendant were wrongful, intentional, and against public policy.
40. In taking the detrimental actions as stated herein, the Defendant violated its duty of good faith and fair dealing.

**COUNT II**

**VIOLATION OF M.G.L. CHAPTER 151 AND VIOLATION OF TITLE VII**

41. Mastro re-alleges the foregoing Paragraphs 1-40 as if set forth again here.
42. Mastro at all relevant times was engaged in protected activity under M.G.L. Chapter 151 and 42 USC § 2000e *et seq.*
43. The Defendant wrongly, intentionally, arbitrarily and capriciously denied Mastro a Religious Exemption *and* Accommodation from having to inject herself with the COVID-19 vaccine.
44. The Defendant retaliated against Mastro because she refused to be injected with the COVID-19 vaccine because of her sincerely held religious beliefs.
45. The Defendant at all times knew, or should have known, that the COVID-19 vaccine did not prevent contracting nor spreading of the disease.



**COUNT III**

**VIOLATION OF MASTRO'S EQUAL PROTECTION AND TREATMENT RIGHTS**

46. Mastro re-alleges the foregoing Paragraphs 1-45 as if set forth again here.
47. The actions of the Defendant denied Mastro her right to Equal Protection and Equal Treatment as guaranteed to her by the United States Constitution.
48. Pursuant to the Fourteenth Amendment to the United States Constitution, Mastro has the right to the Equal Protection and Due Process of Laws.
49. Mastro had the right to be treated equally, the same and fairly as her co-workers who elected to receive the COVID-19 vaccine.
50. Mastro was not treated the same as other employees who opted to receive the COVID-19 vaccine and who did not have sincerely held religious beliefs.
51. Mastro was wrongly and intentionally terminated from her employment.
52. The Defendant at all times knew, or should have known, that the COVID-19 vaccine did not prevent contracting nor spreading of the disease.

**COUNT IV**

**VIOLATION OF MASTRO'S SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS**

53. Mastro re-alleges the foregoing Paragraphs 1-52 as if set forth again here.
54. The actions of the Defendant denied Mastro her right to Due Process of Law as guaranteed to her by the United States Constitution.
55. Mastro has the right and protected interest under the First, Fourth and Fourteenth Amendment to the United States Constitution and Articles IV, X, XX, XXI, XXIX, and XXX of the Massachusetts Declaration of Rights to be free from the invasion of bodily integrity and to be free from unwanted medical intervention.

56. Because of these rights enjoyed by Mastro directly under both the United States Constitution and the Massachusetts Declaration of Rights as mentioned above, Mastro's substantive due process rights were denied when the Defendant mandated the COVID-19 vaccine upon Mastro, refused to honor her sincerely held religious beliefs and grant her a Religious Exemption *and* Accommodation from said vaccine and intentionally and wrongfully terminated her from her employment in retaliation.
57. Because of the Defendant's action and inactions as aforementioned, Mastro's procedural due process rights were denied and violated.
58. Mastro has a procedural due process right to Fair and Equal Treatment by the Defendant in considering Mastro's sincerely held religious beliefs and accommodating said belief; in this case, by allowing Mastro to continue working remotely but wearing a mask and taking COVID-19 tests when physically at the Defendant's work premises, which leading authorities agreed were effective measures in preventing the spread of the disease.
59. The Defendant at all times knew, or should have known, that the COVID-19 vaccine did not prevent contracting nor spreading of the disease.

**WHEREFORE, MASTRO PRAYS THAT THIS HONORABLE COURT:**

Enter Judgment against the Defendant, finding that the Defendant's conduct was knowingly and intentionally in bad faith, with knowledge or reason to know that their acts would cause substantial hardship to Mastro, and against public policy and common law, for damages as follows:

- A. A declaration that Mastro's constitutional rights were violated and an order requiring just, proper and equitable relief.

- B. A finding for Mastro that each Claim and Count set forth herein and an order for an amount to be determined at the trial of this matter.
- C. Compensatory damages in the amount of Five Million Dollars (“\$5,000,000.00”).
- D. Punitive damages in the amount of One Million Dollars (“\$1,000,000.00”).
- E. Award reasonable attorneys’ fees and costs of this action to the Plaintiff.
- F. Such other and further relief that this Honorable Court finds meet. just, proper and equitable.

**MASTRO DEMANDS A TRIAL BY JURY ON ALL ISSUES AND COUNTS.**

Respectfully submitted,  
The Plaintiff,  
Karen Mastro,  
By her attorney,

DATED: September 20, 2023

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