

**Decoteau v 1199 SEIU Natl. Benefit Fund**

2025 NY Slip Op 31722(U)

May 9, 2025

Supreme Court, New York County

Docket Number: Index No. 161135/2023

Judge: Mary V. Rosado

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. MARY V. ROSADO PART 33M

Justice

-----X

LIDRA DECOTEAU

Plaintiff,

- v -

1199 SEIU NATIONAL BENEFIT FUND,

Defendant.

-----X

INDEX NO. 161135/2023

MOTION DATE 02/02/2024

MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

were read on this motion to/for DISMISS

Upon the foregoing documents, and after a final submission date of March 4, 2025, Defendant 1199 SEIU National Benefit Fund's ("Defendant") motion to dismiss Plaintiff Lidra Decoteau's ("Plaintiff") Complaint pursuant to CPLR 3211(a)(1) and (a)(7) is granted.

I. Background

Plaintiff was employed by Defendant from 2010 until November 19, 2021, when she was allegedly terminated for refusing to receive a Covid-19 vaccine in compliance with Defendant's vaccine mandate. Plaintiff alleges that she is "not a member of a formal religious organization" but that her "beliefs share values and concepts of God and spirituality with Christianity and Nairobian/Alkebulan Rastas." (NYSCEF Doc. 1 at ¶ 7). Plaintiff alleges she requested a religious accommodation in September of 2021, but that Defendant refused to accommodate her religious beliefs. She now sues Defendant for alleged discrimination under the New York State and City Human Rights laws, and Defendant responds with a pre-answer motion to dismiss.

1 Defendant also moved for dismissal under CPLR 3212. Because the Court finds dismissal under CPLR 3211 appropriate, it does not reach the merits of Defendant's CPLR 3212 motion.

## II. Discussion

As held by the First Department and the Court of Appeals, a trial court may consider documentary evidence on a CPLR 3211(a)(7) to attack the sufficiency of a pleading if the evidence conclusively establishes that Plaintiff has no cause of action (*Basis Yield Alpha Fund (Master) v Goldman Sachs Group, Inc.*, 115 AD3d 128 [1st Dept 2014] citing *Rovello v Orofino Realty Co., Inc.*, 40 NY2d 633, 636 [1976]). When documentary evidence is submitted by a defendant on a CPLR 3211(a)(7) motion, the standard morphs from whether the plaintiff has stated a cause of action to whether it has one (*Basis Yield Alpha Fund (Master)*, *supra* [internal citations omitted]). As held by the Hon. Dianne T. Renwick, in considering documentary evidence on a CPLR 3211(a)(7) motion, “the key should be whether the evidence adduced conclusively negates an element of the cause of action” (*Basis Yield Alpha Fund (Master)*, *supra* at 134 n. 4).

Conclusory allegations or claims consisting of bare legal conclusions with no factual specificity are insufficient to survive a motion to dismiss (*Godfrey v Spano*, 13 NY3d 358, 373 [2009]; *Barnes v Hodge*, 118 AD3d 633, 633-634 [1st Dept 2014]). A motion to dismiss for failure to state a claim will be granted if the factual allegations do not allow for an enforceable right of recovery (*Connaughton v Chipotle Mexican Grill, Inc.*, 29 NY3d 137, 142 [2017]).

Pursuant to the Court of Appeals, the standard for failure to accommodate under the New York State Human Rights Law are the same as the federal standards under Title VII of the Civil Rights Act of 1964 (*Forrest v Jewish guild for the Blind*, 3 NY3d 295, 330 n.3 [2004]). The same standard applies to the New York City Human Rights Law (*Mihalik v Credit Agricole Cheuvreux N. Am., Inc.*, 715 F3d 102, 109 [2d Cir. 2013]).

To adequately allege religious discrimination for failure to accommodate under the New York State and City Human Rights laws, a plaintiff must allege “(1) they held a bona fide religious

belief conflicting with an employment requirement; (2) they informed their employer of this belief; and (3) they were disciplined for failure to comply with the conflicting employment requirement” (*Knight v Connecticut Dept. of Pub. Health*, 275 F3d 156, 167 [2d Cir. 2001]). Here, based on the facts alleged in the Complaint, coupled with the unrefuted documentary evidence of Plaintiff’s religious exemption request, the Court finds that Plaintiff has no claim for failure to accommodate based on her religious beliefs.

While employers are under a duty to provide accommodations for specific and particularized religious practices, they are under no duty to accommodate amorphous and “general religious practices” (*Engstrom v Kinney System, Inc.*, 241 AD2d 420, 422 [1st Dept 1997]). Here, Plaintiff admits she is not part of any formal religious organization, and her accommodation request form was not substantiated or filled out by any religious leader. Rather, for religious organization, Plaintiff wrote “self” and for name of religious leader and title, Plaintiff wrote “Spirit of God” (NYSCEF Doc. 5). Moreover, Plaintiff objected not based on any religious beliefs, but due to her mistaken personal belief that the Covid-19 vaccination “is a merging of humans with technology” and uses “fetal cell lives.” A plaintiff’s mistaken personal objections to medicine masqueraded as a religious objection cannot give rise to a valid failure to accommodate religious belief claim, and Plaintiff fails to cite to any case law in support of her position.

Indeed, the Second Circuit in evaluating similar claims has repeatedly held that plaintiffs alleging failure to accommodate based on religious claims with respect to Covid-19 Vaccine Mandates failed to state a claim because at the time of the heights of the pandemic, to allow employees to work unvaccinated would create undue hardships (*see Bey v City of New York*, 999 F.3d 157, 168 [2d. Cir. 2021]; *Lowman v NV LLC*, 821 Fed. Appx. 29, 32 [2d. Cir. 2020]). Plaintiff fails to allege in any specific and factual way that Defendant could have provided her a reasonable

accommodation without undue hardship – in fact, this element is pled in only the most conclusory fashion (see NYSCEF Doc. 1 at ¶ 21).

Plaintiff’s conclusory pleading also caused her prior Complaint, making the same allegations, to be dismissed for failure to state a claim (see Lidra Ashandra v 1199 SEIU National Benefit Fund, Index No. 159961/2022, [Sup. Ct., NY Co. 2023]).

Nor does Plaintiff allege that she was singled out for her religious beliefs or that others with similar religious beliefs were provided accommodations. Nor does she adequately allege that Defendant did not partake in a good faith interactive process, especially where she was given the opportunity to apply for an accommodation, submit her medical history, and her self-subscribed religious beliefs were given consideration both on an initial application and again on an administrative appeal. The Court has considered the remainder of Plaintiff’s arguments and finds them to be unavailing. Therefore, Plaintiff’s Complaint is dismissed.

Accordingly, it is hereby,

ORDERED that Defendant’s motion to dismiss Plaintiff’s Complaint is granted, and Plaintiff’s Complaint is hereby dismissed; and it is further

ORDERED that within ten days of entry, counsel for Defendant shall serve a copy of this Decision and Order, with notice of entry, on all parties via NYSCEF.

This constitutes the Decision and Order of the Court.

5/9/2025  
DATE

Mary V Rosado Jsc  
HON. MARY V. ROSADO, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/> CASE DISPOSED	<input type="checkbox"/> DENIED	<input type="checkbox"/> NON-FINAL DISPOSITION	
	<input checked="" type="checkbox"/> GRANTED		<input type="checkbox"/> GRANTED IN PART	<input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> SETTLE ORDER		<input type="checkbox"/> SUBMIT ORDER	
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> FIDUCIARY APPOINTMENT	<input type="checkbox"/> REFERENCE