

**APPENDIX**

**Breakdown by Employee's Religion in Religious Accommodation Cases in which Summary Judgment Was Granted from 2000-Present**

Cases in the list are drawn from a list of decisions in the Petition for Certiorari, *Patterson v. Walgreen Co.*, No. 18-349, Pet. App. 35a-67a, and have been supplemented with additional cases decided after that list was compiled and through June 2020. Unless otherwise indicated, percentages of the U.S. population for particular faiths are drawn from the figures at Pew Research Center, *America's Changing Religious Landscape*, at 4 (May 12, 2015), <http://www.pewforum.org/wp-content/uploads/sites/7/2015/05/RLS-08-26-full-report.pdf> (hereinafter "*America's Changing Religious Landscape*").

**General Christian: 30 of 113 (26.5 percent versus approximately 65 percent of population) <sup>1</sup>**

1. *O'Brien v. City of Springfield*, 319 F. Supp. 2d 90 (D. Mass. 2003)
2. *Rivera v. Choice Courier Sys., Inc.*, 2004 WL 1444852 (S.D.N.Y. June 25, 2004)

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<sup>1</sup> The Pew study, *America's Changing Religious Landscape*, lists Christians as 70.6 percent of the population. *Id.* at 4. In this Appendix, we separate out Pentecostal Christians (4.6 percent) and Jehovah's Witnesses (0.8 percent). Subtracting those groups leaves our category of "general" Christians as approximately 65 percent of the population.

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3. *Daniels v. City of Arlington, Tex.*, 246 F.3d 500 (5th Cir. 2001)
4. *Quental v. Connecticut Comm'n on Deaf & Hearing Impaired*, 122 F. Supp. 2d 133 (D. Conn. 2000)
5. *E.E.O.C. v. Aldi, Inc.*, 2008 WL 5429624 (W.D. Pa. Dec. 31, 2008)
6. *Jacobs v. Scotland Mfg., Inc.*, 2012 WL 2366446 (M.D.N.C. June 21, 2012)
7. *Daniel v. Kroger Ltd. P'ship I*, 2011 WL 5119372 (E.D. Va. Oct. 27, 2011)
8. *George v. Home Depot Inc.*, 51 F. App'x 482 (5th Cir. 2002)
9. *Bolden v. Caravan Facilities Mgmt., LLC*, 112 F. Supp. 3d 785 (N.D. Ind. 2015)
10. *Davis v. Fort Bend Cty.*, 765 F.3d 480 (5th Cir. 2014)
11. *Andrews v. Virginia Union Univ.*, 2008 WL 2096964 (E.D. Va. May 16, 2008)
12. *U.S. Equal Employment Opportunity Comm'n v. Consol Energy, Inc.*, 860 F.3d 131 (4th Cir. 2017)
13. *Shatkin v. Univ. of Texas at Arlington*, 2010 WL 2730585 (N.D. Tex. July 9, 2010)
14. *Moore v. Metro. Human Serv. Dist.*, 2010 WL 1462224 (E.D. La. Apr. 8, 2010)
15. *Gay v. Lowe's Home Centers, Inc.*, 2007 WL 1599750 (S.D. Miss. June 4, 2007)

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16. *Jiglov v. Hotel Peabody, G.P.*, 719 F. Supp. 2d (W.D. Tenn. 2010)
17. *Virts v. Consol. Freightways Corp. of Delaware*, 285 F.3d (6th Cir. 2002)
18. *U.S. E.E.O.C. v. Bridgestone/Firestone, Inc.*, 95 F. Supp. 2d 913 (C.D. Ill. 2000)
19. *Noesen v. Med. Staffing Network, Inc.*, 232 F. App'x 581 (7th Cir. 2007)
20. *Walker v. Alcoa, Inc.*, 2008 WL 2356997 (N.D. Ind. June 9, 2008)
21. *Adams v. Retail Ventures, Inc.*, 325 F. App'x 440 (7th Cir. 2009)
22. *Seaworth v. Pearson*, 203 F.3d 1056 (8th Cir. 2000)
23. *Kenner v. Domtar Indus., Inc.*, 2006 WL 522468 (W.D. Ark. Mar. 3, 2006)
24. *Peterson v. Hewlett-Packard Co.*, 358 F.3d 599 (9th Cir. 2004)
25. *Berry v. Dep't of Soc. Servs.*, 447 F.3d 642 (9th Cir. 2006)
26. *Slater v. Douglas Cty.*, 743 F. Supp. 2d 1188 (D. Or. 2010)
27. *Kennedy v. Bremerton Sch. Dist.*, 2020 WL 1062776 (W.D. Wash. Mar. 5, 2020)
28. *Ross v. Colorado Dep't of Transp.*, 2012 WL 5975086 (D. Colo. Nov. 14, 2012)

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29. *Dixon v. The Hallmark Companies, Inc.*, 627 F.3d 849 (11th Cir. 2010)
30. *Lindsey v. Bridge Rehab, Inc.*, 369 F. Supp. 3d 1204 (N.D. Ala. 2019)

**Seventh-day Adventist: 25/113 (22.1 percent versus 0.5 percent of population)<sup>2</sup>**

1. *Leonce v. Callahan*, 2008 WL 58892, (N.D. Tex. Jan. 3, 2008)
2. *Jones v. United Parcel Serv., Inc.*, 2008 WL 2627675 (N.D. Tex. June 30, 2008)
3. *E.E.O.C. v. Dalfort Aerospace*, 2002 WL 255486 (N.D. Tex. Feb. 19, 2002)
4. *Antoine v. First Student, Inc.*, 713 F.3d 824 (5th Cir. 2013)
5. *Ford v. City of Dallas, Tex.*, 2007 WL 2051016 (N.D. Tex. July 12, 2007)
6. *Vaughn v. Waffle House, Inc.*, 263 F. Supp. 2d 1075 (N.D. Tex. 2003)
7. *Crider v. Univ. of Tennessee, Knoxville*, 492 F. App'x 609 (6th Cir. 2012)
8. *Prach v. Hollywood Supermarket, Inc.*, 2010 WL 3419461 (E.D. Mich. Aug. 27, 2010)
9. *Burdette v. Fed. Exp. Corp.*, 367 F. App'x (6th Cir. 2010)

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<sup>2</sup> *America's Changing Religious Landscape, supra*, Appendix B (Classification of Protestant Denominations), at 102.

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10. *Morris v. Four Star Paving, LLC*, 2013 WL 1681835 (M.D. Tenn. Apr. 17, 2013)
11. *Rose v. Potter*, 90 F. App'x 951 (7th Cir. 2004)
12. *E.E.O.C. v. Walmart Stores E. LP*, 2020 WL 247462 (W.D. Wis. Jan. 16, 2020)
13. *Filinovich v. Claar*, 2005 WL 2709284 (N.D. Ill. Oct. 19, 2005)
14. *Maroko v. Werner Enterprises, Inc.*, 778 F. Supp. 2d 993 (D. Minn. 2011)
15. *Harrell v. Donahue*, 638 F.3d 975 (8th Cir. 2011)
16. *Brown v. Hot Springs Nat. Park Hosp. Holdings, LLC*, 2013 WL 1968483 (E.D. Ark. May 13, 2013)
17. *Tabura v. Kellogg USA*, 880 F.3d 544 (10th Cir. 2018)
18. *Patterson v. Walgreen Co.*, 727 F. App'x 581 (11th Cir. 2018)
19. *Dalberiste v. GLE Associates, Inc.*, 2020 WL 2529752 (11th Cir. 2020)
20. *Jean-Pierre v. Naples Cmty. Hosp. Inc.*, 2019 WL 4737587 (M.D. Fla. Sept. 27, 2019), *aff'd*, 2020 WL 3121297 (11th Cir. 2020)
21. *Rice v. U.S.F. Holland, Inc.*, 410 F. Supp. 2d 1301 (N.D. Ga. 2005)
22. *Kilpatrick v. Hyundai Motor Mfg. Alabama, LLC*, 911 F. Supp. 2d 1211 (M.D. Ala. 2012)

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23. *Ashley v. Chafin*, 2009 WL 3074732 (M.D. Ga. Sept. 23, 2009)
24. *Cameau v. Metro. Atlanta Rapid Transit Auth.*, 2014 WL 11379548 (N.D. Ga. Feb. 20, 2014)
25. *E.E.O.C. v. Rent-A-Ctr., Inc.*, 917 F. Supp. 2d 112 (D.D.C. 2013)

**Muslim: 21/113 (18.6 percent versus 0.9 percent of population)**

1. *Robinson v. Children's Hosp. Boston*, 2016 WL 1337255 (D. Mass. Apr. 5, 2016)
2. *Hussein v. Hotel Employees & Rest. Union, Local 6*, 108 F. Supp. 2d 360 (S.D.N.Y. 2000)
3. *Abdelwahab v. Jackson State Univ.*, 2010 WL 384416 (S.D. Miss. Jan. 27, 2010)
4. *Nichols v. Illinois Dep't of Transportation*, 152 F. Supp. 3d 1106 (N.D. Ill. 2016)
5. *Mohamed v. 1st Class Staffing, LLC*, 286 F. Supp. 3d 884 (S.D. Ohio 2017)
6. *Hussein v. The Waldorf-Astoria*, 134 F. Supp. 2d 591 (S.D.N.Y. 2001)
7. *Wallace v. City of Philadelphia*, 2010 WL 1730850 (E.D. Pa. Apr. 26, 2010)
8. *E.E.O.C. v. GEO Grp., Inc.*, 616 F.3d 265 (3d Cir. 2010)
9. *Webb v. City of Philadelphia*, 562 F.3d 256 (3d Cir. 2009)

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10. *Equal Employment Opportunity Comm'n v. Jetstream Ground Servs., Inc.*, 134 F. Supp. 3d 1298 (D. Colo. 2015)
11. *Stanley v. ExpressJet Airlines, Inc.*, 356 F. Supp. 3d 667 (E.D. Mich. 2018), *aff'd*, 808 Fed. Appx. 351 (6th Cir. 2020)
12. *King v. Borgess Lee Mem'l Hosp.*, 2015 WL 852324 (W.D. Mich. Feb. 26, 2015)
13. *Mohamed-Sheik v. Golden Foods/Golden Brands LLC*, 2006 WL 709573 (W.D. Ky. Mar. 16, 2006)
14. *U.S. Equal Employment Opportunity Comm'n v. Abercrombie & Fitch Stores, Inc.*, 966 F. Supp. 2d 949 (N.D. Cal. 2013)
15. *Hussaini v. G4S Secure Sols. (USA) Inc.*, 379 F. Supp. 3d 679 (N.D. Ill. 2019)
16. *E.E.O.C. v. Alamo Rent-A-Car LLC*, 432 F. Supp. 2d 1006 (D. Ariz. 2006)
17. *E.E.O.C. v. Abercrombie & Fitch Stores, Inc.*, 731 F.3d 1106 (10th Cir. 2013) *rev'd*, 135 S. Ct. 2028 (2015)
18. *Fazlovic v. Maricopa Cty.*, 2012 WL 12960870 (D. Ariz. Sept. 28, 2012)
19. *E.E.O.C. v. JBS USA, LLC*, 2013 WL 3302429, (D. Colo. July 1, 2013)
20. *Farah v. A-1 Careers*, 2013 WL 6095118 (D. Kan. Nov. 20, 2013)
21. *E.E.O.C. v. 704 HTL Operating, LLC*, 979 F. Supp. 2d 1220 (D.N.M. 2013)

**Other (or Unspecified) Saturday-Sabbatarian  
Sects: 7/113 (6.2 percent)**

1. *Stolley v. Lockheed Martin Aeronautics Co.*, 228 F. App'x 379 (5th Cir. 2007)
2. *Rumfolo v. Total Petrochemical USA, Inc.*, 2012 WL 860405 (M.D. La. Mar. 13, 2012)
3. *O'Barr v. United Parcel Serv., Inc.*, 2013 WL 2243004 (E.D. Tenn. May 21, 2013)
4. *Creusere v. James Hunt Constr.*, 83 F. App'x 709 (6th Cir. 2003)
5. *E.E.O.C. v. Chemsico, Inc.*, 216 F. Supp. 2d 940 (E.D. Mo. 2002)
6. *E.E.O.C. v. Texas Hydraulics, Inc.*, 583 F. Supp. 2d 904 (E.D. Tenn. 2008)
7. *Logan v. Organic Harvest, LLC*, 2020 WL 1547985 (N.D. Ala. Apr. 1, 2020)

**Jehovah's Witness: 6/113 (5.3 percent versus 0.8  
percent of population)**

1. *Shepherd v. Gannondale*, 2014 WL 7338714 (W.D. Pa. Dec. 22, 2014)
2. *Westbrook v. N. Carolina A & T State Univ.*, 51 F. Supp. 3d 612 (M.D.N.C. 2014)
3. *Weber v. Roadway Exp., Inc.*, 199 F.3d 270 (5th Cir. 2000)
4. *Small v. Memphis Light, Gas and Water*, 952 F.3d 821 (6th Cir. 2020)

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5. *E.E.O.C. v. Sw. Bell Tel., L.P.*, 550 F.3d 704 (8th Cir. 2008)
6. *Zamora v. Gainesville City Sch. Dist.*, 2015 WL 12851549 (N.D. Ga. June 22, 2015)

**Idiosyncratic Religions: 4/113**

1. *Lizalek v. Invivo Corp.*, 314 F. App'x 881 (7th Cir. 2009)
2. *E.E.O.C. v. Papin Enterprises, Inc.*, 2009 WL 961108 (M.D. Fla. Apr. 7, 2009)
3. *Lorenz v. Wal-Mart Stores*, 225 F. App'x 302 (5th Cir. 2007)
4. *Cloutier v. Costco Wholesale Corp.*, 390 F.3d 126 (1st Cir. 2004)

**Pentecostal Christian: 4/113 (3.9 percent versus 4.6 percent of population)<sup>3</sup>**

1. *Rojas v. GMD Airlines Servs., Inc.*, 254 F. Supp. 3d 281 (D.P.R. 2015)
2. *Chavis v. Wal-Mart Stores, Inc.*, 265 F. Supp. 3d 391 (S.D.N.Y. 2017)
3. *Finnie v. Lee Cty., Miss.*, 907 F. Supp. 2d 750 (N.D. Miss. 2012)
4. *E.E.O.C. v. Oak-Rite Mfg. Corp.*, 2001 WL 1168156 (S.D. Ind. Aug. 27, 2001)

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<sup>3</sup> *Id.*, Appendix B, at 101.

**Jewish: 5/113 (4.4 percent versus 1.9 percent of population)**

1. *Litzman v. New York City Police Dep't*, 2013 WL 6049066 (S.D.N.Y. Nov. 15, 2013)
2. *Jamil v. Sessions*, 2017 WL 913601, (E.D.N.Y. Mar. 6, 2017)
3. *Hill v. Cook Cty.*, 2007 WL 844556 (N.D. Ill. Mar. 19, 2007)
4. *Miller v. Port Auth. Of New York & New Jersey*, 351 F. Supp. 3d 762 (D.N.J. 2018), *aff'd*, 788 Fed. Appx. 886 (3d Cir. 2019)
5. *Bethea v. Access Bank*, 2018 WL 3009114 (D. Neb. June 15, 2018)

**Hebrew Israelite: 3/113**

1. *Cherry v. Sunoco, Inc.*, 2009 WL 2518221 (E.D. Pa. Aug. 17, 2009)
2. *E.E.O.C. v. Thompson Contracting, Grading, Paving, & Utilities, Inc.*, 499 F. App'x 275 (4th Cir. 2012)
3. *Batson v. Branch Banking & Tr. Co.*, 2012 WL 4479970 (D. Md. Sept. 25, 2012)

**Rastafarian: 2/113 (1.9 percent versus <0.3 percent of population)<sup>4</sup>**

1. *Brown v. F.L. Roberts & Co.*, 419 F. Supp. 2d 7 (D. Mass. 2006)
2. *Equal Employment Opportunity Comm'n v. Triangle Catering, LLC*, 2017 WL 818261 (E.D.N.C. Mar. 1, 2017)

**Sikh: 2/113 (1.9 percent versus < 0.3 percent of population)**

1. *Tagore v. United States*, 735 F.3d 324 (5th Cir. 2013)
2. *E.E.O.C. v. Healthcare & Ret. Corp. of Am.*, 2009 WL 2488110 (E.D. Mich. Aug. 11, 2009)

**African Religions: 2/113**

1. *Adeyeye v. Heartland Sweeteners, LLC*, 721 F.3d 444 (7th Cir. 2013)
2. *E.E.O.C. v. Red Robin Gourmet Burgers, Inc.*, 2005 WL 2090677 (W.D. Wash. Aug. 29, 2005)

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<sup>4</sup> According to Pew's study, "0.3% of American adults identify with a wide variety of other world religions, including Sikhs, Baha'is, Taoists, Jains, Rastafarians, Zoroastrians, Confucians and Druze." *Id.* at 29. Thus Rastafarians and Sikhs each constitute far less than 0.3 percent apiece.

**Non-religious: 2/113**

1. *Mathis v. Christian Heating & Air Conditioning, Inc.*, 158 F. Supp. 3d 317 (E.D. Pa. 2016)
  2. *Nobach v. Woodland Vill. Nursing Ctr., Inc.*, 799 F.3d 374 (5th Cir. 2015)
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