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**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 February 8, 2023.<sup>1</sup> 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*”). Pew has collected less detailed information on religion in later research, and more recent figures are included in the footnotes. Pew Research Center, *Detailed Tables*, at 1, <https://www.pewresearch.org/religion/wp-content/uploads/sites/7/2019/10/Detailed-Tables-v1-FOR-WEB.pdf> (last visited Feb. 17, 2023) (hereinafter “*Detailed Tables*”).

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<sup>1</sup> Cases are organized by religious affiliation of the plaintiff employee, and within each religious group ordered by circuit number (including district court decisions within each circuit).

**General Christian: 37 of 132 (28.0 percent of cases versus approximately 65 percent of population)<sup>2</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)
3. *Zdunski v. Erie 2-Chautauqua-Cattaraugus Boces*, 2022 WL 816010 (W.D.N.Y. Feb. 16, 2022)
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. *Aukamp-Corcoran v. Lancaster Gen. Hosp.*, 2022 WL 507479 (E.D. Pa. Feb. 18, 2022)
7. *Groff v. Dejoy*, 35 F.4th 162 (3d Cir. 2022)
8. *Jacobs v. Scotland Mfg., Inc.*, 2012 WL 2366446 (M.D.N.C. June 21, 2012)

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<sup>2</sup> The 2015 Pew study, *America's Changing Religious Landscape*, lists Christians as 70.6 percent of the population. 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. The updated *Detailed Tables* lists all Christians as 65 percent of the population in 2019, but it does not separate out Pentecostal Christians and Jehovah's Witnesses.

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9. *Brennan v. Deluxe Corp.*, 2021 WL 2155004 (D. Md. May 27, 2021)
10. *Daniel v. Kroger Ltd. P'ship I*, 2011 WL 5119372 (E.D. Va. Oct. 27, 2011)
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.*, 2015 WL 106166 (N.D.W. Va. Jan. 7, 2015), *aff'd*, 860 F.3d 131 (4th Cir. 2017)
13. *Moore v. Metro. Human Serv. Dist.*, 2010 WL 1462224 (E.D. La. Apr. 8, 2010)
14. *Gay v. Lowe's Home Centers, Inc.*, 2007 WL 1599750 (S.D. Miss. June 4, 2007)
15. *Shatkin v. Univ. of Texas at Arlington*, 2010 WL 2730585 (N.D. Tex. July 9, 2010)
16. *George v. Home Depot Inc.*, 51 F. App'x 482 (5th Cir. 2002)
17. *Daniels v. City of Arlington, Tex.*, 246 F.3d 500 (5th Cir. 2001)
18. *Davis v. Fort Bend Cty.*, 765 F.3d 480 (5th Cir. 2014)
19. *Jiglov v. Hotel Peabody, G.P.*, 719 F. Supp. 2d (W.D. Tenn. 2010)
20. *Virts v. Consol. Freightways Corp. of Delaware*, 285 F.3d (6th Cir. 2002)
21. *U.S. E.E.O.C. v. Bridgestone/Firestone, Inc.*, 95 F. Supp. 2d 913 (C.D. Ill. 2000)

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22. *Bolden v. Caravan Facilities Mgmt., LLC*, 112 F. Supp. 3d 785 (N.D. Ind. 2015)
23. *Villareal v. Rocky Knoll Health Ctr.*, 2022 WL 17092090 (E.D. Wis. Nov. 21, 2022)
24. *Walker v. Alcoa, Inc.*, 2008 WL 2356997 (N.D. Ind. June 9, 2008)
25. *Kluge v. Brownsburg Cmty. Sch. Corp.*, 548 F. Supp. 3d 814 (S.D. Ind. 2021)
26. *Noesen v. Med. Staffing Network, Inc.*, 232 F. App'x 581 (7th Cir. 2007)
27. *Adams v. Retail Ventures, Inc.*, 325 F. App'x 440 (7th Cir. 2009)
28. *Kenner v. Domtar Indus., Inc.*, 2006 WL 522468 (W.D. Ark. Mar. 3, 2006)
29. *EEOC v. Kroger Ltd. P'ship*, No. 4:20-cv-1099-LPR, 2022 WL 2276835 (E.D. Ark. June 23, 2022)
30. *Seaworth v. Pearson*, 203 F.3d 1056 (8th Cir. 2000)
31. *Slater v. Douglas Cty.*, 743 F. Supp. 2d 1188 (D. Or. 2010)
32. *Kennedy v. Bremerton Sch. Dist.*, 2020 WL 1062776 (W.D. Wash. Mar. 5, 2020)
33. *Peterson v. Hewlett-Packard Co.*, 358 F.3d 599 (9th Cir. 2004)
34. *Berry v. Dep't of Soc. Servs.*, 447 F.3d 642 (9th Cir. 2006)

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35. *Ross v. Colorado Dep't of Transp.*, 2012 WL 5975086 (D. Colo. Nov. 14, 2012)
36. *Lindsey v. Bridge Rehab, Inc.*, 369 F. Supp. 3d 1204 (N.D. Ala. 2019)
37. *Dixon v. The Hallmark Companies, Inc.*, 627 F.3d 849 (11th Cir. 2010)

**Seventh-day Adventist: 28/132 (21.2 percent of cases versus 0.5 percent of population)<sup>3</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. *Ford v. City of Dallas, Tex.*, 2007 WL 2051016 (N.D. Tex. July 12, 2007)
5. *Vaughn v. Waffle House, Inc.*, 263 F. Supp. 2d 1075 (N.D. Tex. 2003)
6. *Antoine v. First Student, Inc.*, 713 F.3d 824 (5th Cir. 2013)
7. *Morris v. Four Star Paving, LLC*, 2013 WL 1681835 (M.D. Tenn. Apr. 17, 2013)

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<sup>3</sup> *America's Changing Religious Landscape, supra*, Appendix B (Classification of Protestant Denominations), at 102. The 2019 *Detailed Tables, supra*, do not provide updated information on Seventh-day Adventists.

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8. *Prach v. Hollywood Supermarket, Inc.*, 2010 WL 3419461 (E.D. Mich. Aug. 27, 2010)
9. *Crider v. Univ. of Tennessee, Knoxville*, 492 F. App'x 609 (6th Cir. 2012)
10. *Burdette v. Fed. Exp. Corp.*, 367 F. App'x (6th Cir. 2010)
11. *Filinovich v. Claar*, 2005 WL 2709284 (N.D. Ill. Oct. 19, 2005)
12. *E.E.O.C. v. Walmart Stores E. LP*, 2020 WL 247462 (W.D. Wis. Jan. 16, 2020)
13. *Rose v. Potter*, 90 F. App'x 951 (7th Cir. 2004)
14. *Maroko v. Werner Enterprises, Inc.*, 778 F. Supp. 2d 993 (D. Minn. 2011)
15. *Brown v. Hot Springs Nat. Park Hosp. Holdings, LLC*, 2013 WL 1968483 (E.D. Ark. May 13, 2013)
16. *Harrell v. Donahue*, 638 F.3d 975 (8th Cir. 2011)
17. *Enriquez v. Gemini Motor Transp. LP*, 2021 WL 5908208 (D. Ariz. Dec. 14, 2021)
18. *Cassel v. SkyWest, Inc.*, 2022 WL 375855 (D. Utah Feb. 8, 2022)
19. *Tabura v. Kellogg USA*, 880 F.3d 544 (10th Cir. 2018)
20. *Rice v. U.S.F. Holland, Inc.*, 410 F. Supp. 2d 1301 (N.D. Ga. 2005)
21. *Sutton v. DirecTV LLC*, 2022 WL 808692 (N.D. Ala. Mar. 16, 2022)

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22. *Kilpatrick v. Hyundai Motor Mfg. Alabama, LLC*, 911 F. Supp. 2d 1211 (M.D. Ala. 2012)
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. *Patterson v. Walgreen Co.*, 727 F. App'x 581 (11th Cir. 2018)
26. *Dalberiste v. GLE Associates, Inc.*, 2020 WL 2529752 (11th Cir. 2020)
27. *Jean-Pierre v. Naples Cmty. Hosp. Inc.*, 2019 WL 4737587 (M.D. Fla. Sept. 27, 2019), *aff'd*, 2020 WL 3121297 (11th Cir. 2020)
28. *E.E.O.C. v. Rent-A-Ctr., Inc.*, 917 F. Supp. 2d 112 (D.D.C. 2013)

**Muslim: 23/132 (17.4 percent of cases versus 0.9 percent of population)<sup>4</sup>**

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. *Hussein v. The Waldorf-Astoria*, 134 F. Supp. 2d 591 (S.D.N.Y. 2001)

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<sup>4</sup> The *Detailed Tables, supra*, state that Muslims made up 1 percent of the U.S. population in 2019.



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4. *Wilkerson v. Metro. Transp. Auth.*, 2021 WL 5761649 (S.D.N.Y. Dec. 3, 2021)
5. *Wallace v. City of Philadelphia*, 2010 WL 1730850 (E.D. Pa. Apr. 26, 2010)
6. *E.E.O.C. v. GEO Grp., Inc.*, 616 F.3d 265 (3d Cir. 2010)
7. *Webb v. City of Philadelphia*, 562 F.3d 256 (3d Cir. 2009)
8. *U.S. EEOC v. Greyhound Lines, Inc.*, 2021 WL 5233754 (D. Md. Nov. 9, 2021)
9. *Abdelwahab v. Jackson State Univ.*, 2010 WL 384416 (S.D. Miss. Jan. 27, 2010)
10. *Mohamed v. 1st Class Staffing, LLC*, 286 F. Supp. 3d 884 (S.D. Ohio 2017)
11. *King v. Borgess Lee Mem'l Hosp.*, 2015 WL 852324 (W.D. Mich. Feb. 26, 2015)
12. *Mohamed-Sheik v. Golden Foods/Golden Brands LLC*, 2006 WL 709573 (W.D. Ky. Mar. 16, 2006)
13. *Stanley v. ExpressJet Airlines, Inc.*, 356 F. Supp. 3d 667 (E.D. Mich. 2018), *aff'd*, 808 F. App'x 351 (6th Cir. 2020)
14. *Nichols v. Illinois Dep't of Transportation*, 152 F. Supp. 3d 1106 (N.D. Ill. 2016)
15. *Hussaini v. G4S Secure Sols. (USA) Inc.*, 379 F. Supp. 3d 679 (N.D. Ill. 2019)
16. *U.S. Equal Employment Opportunity Comm'n v. Abercrombie & Fitch Stores, Inc.*, 966 F. Supp. 2d 949 (N.D. Cal. 2013)

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17. *E.E.O.C. v. Alamo Rent-A-Car LLC*, 432 F. Supp. 2d 1006 (D. Ariz. 2006)
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)
22. *Equal Employment Opportunity Comm'n v. Jetstream Ground Servs., Inc.*, 134 F. Supp. 3d 1298 (D. Colo. 2015)
23. *E.E.O.C. v. Abercrombie & Fitch Stores, Inc.*, 731 F.3d 1106 (10th Cir. 2013), *rev'd*, 575 U.S. 768 (2015)

**Other (or Unspecified) Saturday-Sabbatarian Sects: 7/132 (5.3 percent of cases)**

1. *Rumfola v. Total Petrochemical USA, Inc.*, 2012 WL 860405 (M.D. La. Mar. 13, 2012)
2. *Stolley v. Lockheed Martin Aeronautics Co.*, 228 F. App'x 379 (5th Cir. 2007)
3. *O'Barr v. United Parcel Serv., Inc.*, 2013 WL 2243004 (E.D. Tenn. May 21, 2013)
4. *E.E.O.C. v. Texas Hydraulics, Inc.*, 583 F. Supp. 2d 904 (E.D. Tenn. 2008)

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5. *Creusere v. James Hunt Constr.*, 83 F. App'x 709 (6th Cir. 2003)
6. *E.E.O.C. v. Chemsico, Inc.*, 216 F. Supp. 2d 940 (E.D. Mo. 2002)
7. *Logan v. Organic Harvest, LLC*, 2020 WL 1547985 (N.D. Ala. Apr. 1, 2020)

**Jehovah's Witness: 7/132 (5.3 percent versus 0.8 percent of population)<sup>5</sup>**

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. *Barton v. Metro. Gov't of Nashville and Davidson Cty.*, 2022 WL 989100 (M.D. Tenn. Mar. 31, 2022)
5. *Small v. Memphis Light, Gas and Water*, 952 F.3d 821 (6th Cir. 2020)
6. *E.E.O.C. v. Sw. Bell Tel., L.P.*, 550 F.3d 704 (8th Cir. 2008)
7. *Zamora v. Gainesville City Sch. Dist.*, 2015 WL 12851549 (N.D. Ga. June 22, 2015)

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<sup>5</sup> The 2019 *Detailed Tables*, *supra*, do not provide updated figures for this category.

**Idiosyncratic Religions: 4/132 (3.0 percent of cases)**

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

**Pentecostal Christian: 4/132 (3.0 percent of cases versus 4.6 percent of population)<sup>6</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>6</sup> *America's Changing Religious Landscape*, Appendix B, at 101. The 2019 *Detailed Tables*, *supra*, do not provide updated figures for this category.

**Jewish: 9/132 (6.8 percent of cases versus 1.9 percent of population)<sup>7</sup>**

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. *Privler v. CSX Transp. Inc.*, 2021 WL 3603334 (N.D.N.Y. Aug. 13, 2021)
4. *Hamilton v. City of New York*, 563 F. Supp. 3d 42 (E.D.N.Y. 2021)
5. *Vaynshelboym v. Comhar, Inc.*, 2021 WL 4399651 (E.D. Pa. Sep. 27, 2021)
6. *Miller v. Port Auth. Of New York & New Jersey*, 351 F. Supp. 3d 762 (D.N.J. 2018), *aff'd*, 788 F. App'x 886 (3d Cir. 2019)
7. *Hill v. Cook Cty.*, 2007 WL 844556 (N.D. Ill. Mar. 19, 2007)
8. *Bethea v. Access Bank*, 2018 WL 3009114 (D. Neb. June 15, 2018)
9. *Wagner v. Saint Joseph's/Candler Health Sys., Inc.*, 2022 WL 905551 (S.D. Ga. Mar. 28, 2022)

**Hebrew Israelite: 5/132 (3.8 percent of cases)**

1. *Cherry v. Sunoco, Inc.*, 2009 WL 2518221 (E.D. Pa. Aug. 17, 2009)

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<sup>7</sup> The 2019 *Detailed Tables, supra*, list members of the Jewish faith as 2 percent of the U.S. population.

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2. *Richards v. Walden Sec.*, 2022 WL 2835030 (D. Md. July 20, 2022) (complaint identifies faith)
3. *Batson v. Branch Banking & Tr. Co.*, 2012 WL 4479970 (D. Md. Sept. 25, 2012)
4. *E.E.O.C. v. Thompson Contracting, Grading, Paving, & Utilities, Inc.*, 499 F. App'x 275 (4th Cir. 2012)
5. *Hebrew v. Collier*, 2022 WL 4866719 (S.D. Tex. Sep. 19, 2022)

**Rastafarian: 2/132 (1.5 percent versus <0.3 percent of population)<sup>8</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: 2/132 (1.5 percent of cases versus < 0.3 percent of population)**

1. *Tagore v. United States*, 735 F.3d 324 (5th Cir. 2013)

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<sup>8</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." *America's Changing Religious Landscape* at 29. Thus, Rastafarians and Sikhs each constitute far less than 0.3 percent apiece. The 2019 *Detailed Tables* do not provide a figure on the percentage of U.S. adults who are in this category.

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2. *E.E.O.C. v. Healthcare & Ret. Corp. of Am.*, 2009 WL 2488110 (E.D. Mich. Aug. 11, 2009)

**African Religions: 2/132 (1.5 percent of cases)**

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)

**Non-religious: 2/132 (1.5 percent of cases)**

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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