

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 8 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

LACEY BIRD, an individual; MAKENZIE
SHAW-DAVID, an individual; ALISHIA
EGENHOFF, an individual,

Plaintiffs - Appellants,

v.

ALANSON M. RANDOL DDS, PC, a
professional corporation; ALANSON M.
RANDOL, an individual,

Defendants - Appellees.

No. 25-1714

D.C. No.

6:23-cv-01678-MC

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael J. McShane, Chief District Judge, Presiding

Argued and Submitted September 14, 2026
Portland, Oregon

Before: W. FLETCHER, FRIEDLAND, and DE ALBA, Circuit Judges.

Makenzie Shaw-David appeals from the district court's dismissal for failure to state a claim, and Alishia Egenhoff and Lacey Bird appeal from the district court's grant of summary judgment in favor of their former employer Dr. Alanson

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

M. Randol and his dental practice (collectively, “Defendants”). Shaw-David, Egenhoff, and Bird brought religious accommodation claims against Defendants under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1), and Oregon’s parallel state statute prohibiting religious discrimination and aiding and abetting the same, Or. Rev. Stat. § 659A.030(1)(a), (h).¹ We have jurisdiction under 28 U.S.C. § 1291, and we review de novo both the district court’s order granting a motion to dismiss and its grant of summary judgment. *Bolden-Hardge v. Off. of Cal. State Controller*, 63 F.4th 1215, 1220 (9th Cir. 2023); *Petersen v. Snohomish Reg’l Fire & Rescue*, 150 F.4th 1211, 1215 (9th Cir. 2025). As the parties are familiar with the facts, we do not recount them here. We affirm as to Shaw-David’s and Egenhoff’s claims. We reverse as to Bird’s claims and remand for further proceedings.

Title VII and the parallel Oregon statute require employers to accommodate employees’ religious observances and practices unless doing so imposes an undue hardship. *See* 42 U.S.C. § 2000e(j); Or. Rev. Stat. § 659A.030(1)(a); *Detwiler v. Mid-Columbia Med. Ctr.*, 156 F.4th 886, 893 (9th Cir. 2025) (analyzing Title VII and § 659A.030(1)(a) claims in tandem). To establish a prima facie case of religious discrimination based on failure to accommodate under Title VII, an

¹ Or. Rev. Stat. § 659A.030 was revised effective Sept. 26, 2025. What was previously subsection (g) is now subsection (h).

employee must show, among other things, that she “had a bona fide religious belief, the practice of which conflicts with an employment duty.” *Peterson v. Hewlett-Packard Co.*, 358 F.3d 599, 606 (9th Cir. 2004).

1. Construing Shaw-David’s allegations in the light most favorable to her, she failed to meet the “fairly minimal” burden to allege a conflict between her religious beliefs and Defendants’ requirement that she receive the COVID-19 vaccine. *Bolden-Hardge*, 63 F.4th at 1223. Shaw-David’s religious exemption request stated that “God is going to shield me from this virus,” the “[vaccine] mandate has caused unnecessary fear and is creating a divide,” and that “God said, ‘fear not,’” so she “choose[s] to not live in fear.” Shaw-David’s complaint alleged a belief that “through the power of prayer, God will keep her body free from sickness.” The district court correctly observed that none of the statements in her religious exemption request explained how her beliefs prevented her from receiving the vaccine. That accords with our recent decision in *Detwiler*, which held that “[a] plaintiff seeking a religious exemption must plead a sufficient nexus between her religion and the specific belief in conflict with the work requirement” and that “[i]nvocations of broad, religious tenets cannot, on their own, convert a secular preference into a religious conviction.” 156 F.4th at 895.

2. Egenhoff similarly failed to raise a triable issue of fact as to whether she had a bona fide religious belief that conflicted with Defendants’ vaccine

requirement. Egenhoff’s request for a religious exemption used language materially indistinguishable from that of the plaintiff in *Detwiler*, which we rejected. *Id.* Moreover, when asked at her deposition why she refused the vaccine, Egenhoff testified that she did not think it was safe or effective and that she fundamentally disagreed with government- and employer-mandated vaccinations. Under *Detwiler*, those are “personal judgment[s] based on science” and “secular judgment[s]” that are “far too attenuated” from religious belief to establish a “sufficient nexus between her religion and the specific belief in conflict with the work requirement.” *Id.*

3. The district court granted summary judgment for Defendants on the ground that allowing Bird to work either entirely remotely or in-office and unvaccinated would have caused undue hardship. If an employee submits sufficient evidence at summary judgment to overcome her prima facie burden, “the burden shifts to the employer to show either that it initiated good faith efforts to accommodate reasonably the employee’s religious practices or that it could not reasonably accommodate the employee without undue hardship.” *Tiano v. Dillard Dep’t Stores, Inc.*, 139 F.3d 679, 681 (9th Cir. 1998). The undue hardship analysis “takes into account all relevant factors in the case at hand, including the particular accommodations at issue and their practical impact in light of the nature, size and operating cost of an employer.” *Groff v. DeJoy*, 600 U.S. 447, 470–71 (2023)

(citation modified). Ultimately, the employer must show that the “burden is substantial in the overall context of [its] business.” *Id.* at 468. The burden “need not be exclusively monetary.” *Williams v. Legacy Health*, 174 F.4th 1201, 1206 (9th Cir. 2026). Rather, such costs “can extend to ‘health and safety costs’ and ‘operational burdens’ as well as traditional ‘financial burdens.’” *Id.* (quoting *Petersen*, 150 F.4th at 1218).

The district court properly concluded that there was no genuine dispute of fact as to whether allowing Bird to work in the dental office unvaccinated would impose undue hardship on Defendants. Defendants have not, however, met their burden to establish on the summary judgment record that allowing Bird to work remotely would cause undue hardship as a matter of law. Impacts on coworkers are relevant only to the extent that they “go on to affect the conduct of the business.” *Groff*, 600 U.S. at 472 (citation modified). Bird testified in her deposition that she could perform many but not all of her job duties remotely. Dr. Randol testified in his deposition that allowing Shaw-David, Bird, and Egenhoff to work remotely would put “undue pressure on the people who were at the office” because these employees were needed to “help with the flow of . . . patients.” But Dr. Randol also testified that there were seven to nine front-desk staff members in total. He never “spell[ed] out” why it would be difficult for other staff to absorb

Bird's in-person duties to allow her to work remotely. *Williams*, 174 F.4th at 1205.

On the current record, Defendants have not proffered sufficient evidence to prove as a matter of law that reassigning Bird's in-person responsibilities to other front-desk staff would impose an undue hardship. We therefore reverse the district court's grant of summary judgment as to the undue hardship of Bird's proposed remote-work accommodation and remand for further proceedings consistent with this memorandum disposition.

The parties will bear their own costs on appeal.

AFFIRMED IN PART; REVERSED IN PART; AND REMANDED.