

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2396

SARA SLATTERY,
Appellant

v.

MAIN LINE HEALTH, INC.; MAIN LINE HEALTHCARE, INC.; MAIN LINE
HEALTH INTEGRATIVE AND FUNCTIONAL MEDICINE SERVICES

On Appeal from the U.S. District Court, E.D. Pa.
(D.C. Civil No. 2:22-cv-04994)
District Judge: Honorable Kelley B. Hodge

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
April 21, 2026

Before: RESTREPO, BIBAS and FISHER, *Circuit Judges*.

(Filed: August 17, 2026)

OPINION*

FISHER, *Circuit Judge*.

Alleging claims for religious discrimination under Title VII of the Civil Rights

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Act¹ and the Pennsylvania Human Relations Act,² Dr. Sara Slattery, the Medical Director of the Dee Adams Center for Integrative and Regenerative Practice, sued Main Line Health³ (MLH) for denying her a religious exemption to its mandatory COVID-19 vaccination policy. Concluding that Slattery failed to establish a *prima facie* case of religious discrimination and that, even assuming religious discrimination, accommodating Slattery would impose on MLH an undue hardship, the District Court granted summary judgment in favor of MLH. Slattery appeals, and we will affirm.⁴

Title VII prohibits discrimination against “any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s . . . religion”⁵ An employer must reasonably accommodate an employee’s religious belief, unless doing so would cause the employer “undue hardship.”⁶

Dr. Slattery challenges, among other things, the District Court’s determination that

¹ 42 U.S.C. § 2000e *et seq.*

² 43 Pa. Cons. Stat. § 951 *et seq.*

³ Main Line Health (MLH) refers to each defendant in this action, including Main Line Health, Inc., Main Line Healthcare, Inc., and Main Line Health Integrative and Functional Medicine Services, Inc.

⁴ The District Court exercised jurisdiction under 28 U.S.C. §§ 1331 (federal question) and 1367(a) (supplemental). We exercise jurisdiction under 28 U.S.C. § 1291 (final decisions of district courts). Our review of an order granting summary judgment is plenary. *Childers v. Joseph*, 842 F.2d 689, 693 (3d Cir. 1988).

⁵ 42 U.S.C. § 2000e-2(a)(1). Our Title VII analysis applies with equal force to Dr. Slattery’s claim under the PHRA, which is “interpreted coextensively with Title VII.” *Atkinson v. Lafayette Coll.*, 460 F.3d 447, 454 n.6 (3d Cir. 2006).

⁶ *Groff v. DeJoy*, 600 U.S. 447, 454 (2023) (quoting 42 U.S.C. § 2000e(j)).

MLH established the undue hardship defense. An employee cannot establish a violation under Title VII if “an employer demonstrates that [it] is unable to reasonably accommodate . . . an employee’s . . . religious observance or practice without undue hardship on the conduct of the employer’s business.”⁷ Because we will affirm the District Court’s undue hardship determination, we assume without deciding that Dr. Slattery established a *prima facie* case of religious discrimination.⁸

To establish undue hardship, MLH “must show that the burden of granting an accommodation would result in substantial increased costs in relation to the conduct of its particular business.”⁹ MLH has satisfied this burden. The undisputed record shows, and Dr. Slattery admits, that by the end of March 2020 COVID-19 had spread throughout the world; that COVID-19 is a potentially fatal disease, particularly for vulnerable populations such as the elderly and individuals who are immunocompromised; that the Main Line Health System includes several acute care hospitals, as well as various home healthcare services and physician practices; and that contact between patients and caregivers can facilitate the spread of COVID-19.

⁷ 42 U.S.C. § 2000e(j).

⁸ We may “affirm the District Court’s grant of summary judgment on any basis supported by the record.” *United States ex rel. Spay v. CVS Caremark Corp.*, 875 F.3d 746, 753 (3d Cir. 2017).

⁹ *Groff*, 600 U.S. at 470. Our analysis of undue hardship “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.” *Id.* at 470–71 (citation modified).

MLH’s expert witness Dr. Daniel Salmon stated that health care personnel presented an increased risk of contracting and transmitting COVID-19—“in 2020, health care workers with direct patient care had 4 times [the] risk of contracting COVID-19.”¹⁰ Because of increased COVID-19 transmission, patients and employees at MLH died, healthcare facilities across the country struggled to effectively care for sick patients, and the efficacy and health of hospital employees diminished. In 2021, unvaccinated persons were at an increased risk of transmitting and contracting COVID-19. MLH’s expert also testified that alternative measures, such as protective equipment, were less effective than multi-layered strategies that included vaccination, protective equipment, and testing.

Dr. Slattery is a primary care physician who, at the time of her deposition, had not participated in a telehealth visit. She signed a contract to give “direct patient care” and to “perform duties . . . at the office(s) maintained by [Main Line Health] at the Dee Adams Center for Integrative and Regenerative Medicine,” unless the parties agreed to change the location of the practice.¹¹ Telehealth was difficult for the hospital to administer, and Dr. Slattery gave no evidence of other doctors who received accommodations to work remotely. Considering this evidence, MLH showed a “a burden [that] is substantial in the overall context of [its] business.”¹²

On this record, Dr. Slattery has presented no rebuttal evidence. Dr. Slattery argues

¹⁰ App. 500.

¹¹ App. 138–39.

¹² *Groff*, 600 U.S. at 468.

that MLH cannot assert undue hardship because it granted religious exemptions to other employees. But Dr. Slattery introduced no other evidence to substantiate her position. Her bare assertion that one named doctor and several other unknown and unnamed employees received unidentified accommodations fails to rebut MLH’s significant evidence of undue hardship. In other words, Dr. Slattery fails to provide “actual evidence in the record on which a jury could decide an issue of fact [her] way.”¹³

To rebut the undue hardship testimony of MLH’s expert, Dr. Slattery tried to introduce the testimony of two experts, Dr. Peter McCullough and Dr. Akram Boutros.¹⁴ But the District Court excluded the testimony of both witnesses under Federal Rule of Evidence 702. A review of the record reveals that the District Court’s exclusion of each rebuttal report was not an abuse of discretion.¹⁵

“We have explained that Rule 702 embodies a trilogy of restrictions on expert testimony: qualification, reliability and fit.”¹⁶ The District Court determined that Dr. McCullough was unqualified and unreliable and determined that Dr. Boutros was

¹³ *El v. Se. Pa. Transp. Auth.*, 479 F.3d 232, 238 (3d Cir. 2007).

¹⁴ Because we assume, without deciding, that Dr. Slattery established a *prima facie* case for religious discrimination, we consider only the District Court’s exclusion of Dr. McCullough’s rebuttal report—not Dr. McCullough’s September 2023 report—and of Dr. Boutros’s rebuttal report, each of which primarily responds to MLH’s expert testimony on the undue hardship defense.

¹⁵ “We afford a district court’s application and interpretation of Rule 702 plenary review, but we review the court’s decision to admit or reject testimony under an abuse of discretion standard.” *Oddi v. Ford Motor Co.*, 234 F.3d 136, 146 (3d Cir. 2000) (citation modified).

¹⁶ *Schneider ex rel. Estate of Schneider v. Fried*, 320 F.3d 396, 404 (3d Cir. 2003).

unreliable. We agree.

Although he has impressive experience in internal medicine and cardiology, before the onset of the COVID-19 pandemic, Dr. McCullough had never practiced in the fields of epidemiology, immunology, or infectious diseases. Considering the relative novelty of the COVID-19 virus, this ground alone is a sufficient reason to affirm the District Court’s exclusion of Dr. McCullough’s rebuttal report.

Moreover, the report included unreliable, incomplete, or unsupported assertions. For example, the report broadly states—without a citation or other support—that “there was less viral spread in the health care setting than many other places, including at home because of . . . universal precautions and masking efforts.”¹⁷ And Dr. McCullough also concluded that “[a]symptomatic transmission was not common” and that the “asymptomatic spread [of COVID-19] is trivial and inconsequential.”¹⁸ To support these conclusions, Dr. McCullough cited a clinical study that itself expressly acknowledges several potential shortcomings—limitations that Dr. McCullough’s report fails to mention—including that “data from this report are insufficient to draw conclusions about the effectiveness of COVID-19 vaccines against SARS-CoV-2” and that “asymptomatic

¹⁷ App. 528.

¹⁸ App. 524.

breakthrough infections might be underrepresented because of detection bias.”¹⁹ For these reasons, among others, the District Court’s exclusion of Dr. McCullough’s rebuttal report was not an abuse of discretion.

Dr. Boutros’s expert report cites only documents intrinsic to this action—Dr. Slattery’s exemption request, Dr. Salmon’s report, hybrid witness disclosures, the EEOC compliance manual, and the Centers for Medicare & Medicaid Services’ Rules—but provides no external sources that discuss medical information or that disclose a discernible methodology. Dr. Boutros stated only that his “professional judgment in these areas is based upon review of current scientific evidence and current information available of the impact of religious exemptions and masking on the spread of COVID-19.”²⁰ With all due respect to Dr. Boutros’s professional judgment, neither the District Court nor this Court can simply accept a proffered expert’s claims as true without some indicia of reliability.²¹ Accordingly, the District Court’s exclusion of Dr. Boutros’s report was not an abuse of discretion.

For the reasons stated, we will affirm.

¹⁹ Catherine M. Brown et al., *Outbreak of SARS-CoV-2 Infections, Including COVID-19 Vaccine Breakthrough Infections, Associated with Large Public Gatherings—Barnstable County, Massachusetts, July 2021*, 70 Morbidity & Mortality Wkly. Rep. 1059, 1059–62 (2021), https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm?s_cid=mm7031e2_w [<https://perma.cc/QR7K-EDG9>].

²⁰ App. 578.

²¹ See *Schneider*, 320 F.3d at 404.