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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JAMIE ZIMMERMAN, et al,

Plaintiffs,

v.

PEACEHEALTH,

Defendants

CASE NO: 3:22-cv-05960

DECLARATION OF NANCY EKLUND

I, Nancy Eklund, declare as follows:

1. This Declaration is based upon personal knowledge and belief, and I am competent to testify to the information set forth herein.
2. I am over 18 years old.
3. I am from Whatcom County, Washington.
4. I started working at PeaceHealth’s St. Joseph Medical Center in 1987 and continued there until September 1, 2021, as a Registered Nurse.
5. I have performed my job satisfactorily and have never been disciplined. I was considered a valuable asset to the hospital nursing staff, consistently having exemplary performance reviews by management and peer reviews, as well as positive input from physician staff. I was known as a strong patient advocate. I earned an additional BSN degree, did coursework in Advanced Wound Care through University of Washington, did ER training

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1 course, ACLS certification, Medical Surgical Certification course; I functioned in
2 medical surgical units, stroke unit, cardiac telemetry units, and Procedural Care Short
3 Stay. I always received positive performance evaluations, and was appreciated by my
4 patients.
5

- 6 6. Prior to the pandemic, I declined the influenza vaccine on religious grounds.
7
8 7. PeaceHealth did not require an explanation for declining the flu vaccine but allowed
9 employees to fill out a declination form. The process was easy and painless.
10
11 8. As an accommodation, I was required to wear a mask during flu season and received no
12 sticker for my badge. Other employees and managers made no issue of those of us who
13 declined the flu vaccine.
14
15 9. I worked throughout the pandemic using required personal protection equipment, which
16 included surgical masks, as per ongoing changes in policy; at times we were told not to
17 mask, later being screened for appropriate fitting N-95 masking (these masks are not
18 considered universally usable, due to variations in facial structures.)
19
20 10. On August 3, 2021, PeaceHealth announced they would be requiring vaccination against
21 COVID-19.
22
23 11. On August 6, 2021, I submitted a religious accommodation request to the COVID-19
24 vaccine and was denied.
25
26 12. As part of my request, I was willing to adhere to recommended personal protection
27 equipment including masking appropriate to particulars of individual patient diagnosis as
28 per Infection Control Department, and measures established by Standard Nursing
Practice, such as handwashing before and after any patient contact.

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13. The work environment at PeaceHealth leading up to the vaccine mandates was increasingly hostile. Although one would expect a culture of receptivity to scientific inquiry, particularly in a medical setting, rather there was a growing attitude that those declining to take the experimental shots were ‘right-wing’ types- being more preoccupied with their sovereign rights than the ‘collective good’. There was a growing politicized atmosphere, as opposed to one of ongoing dialogue in keeping with the language promoting “evidence based practice”. Those bringing different data than the ongoing new media slogans were inadvertently assigned to a right-wing or extremist ideology. Not wishing to be labeled, I found myself and many others whispering amongst ourselves about the odd findings we were witnessing in vaccinated patients such as cardiac events in young people, and unusual blood clots, to mention a few. I heard sarcastic remarks by nursing staff about “anti-vaxxers” and rolling of the eyes when referring to a patient who “needed to be redirected” due to their views on COVID-19. One nurse snickered to other nurses that the patient she had admitted had Hydroxychloroquine on his medication list: “wasn’t that the drug that Donald Trump took?”

These are indicative of a climate at the workplace where gossip ensues rather than overt verbal attacks which are understood to be disallowed. When meeting with my Manager and Assistant Manager in August, 2021 to discuss my options under the hospital’s vaccine mandate it was made clear that there was no interest in any discussion about the lack of supporting evidence, nor any interest in publications from recognized institutions with contrary views on the efficacy of such policies; the only objective was the implementation of the policies.

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1 14. On September 1, 2021, PeaceHealth informed me that I was given the exemption but
2 could not be accommodated.

3
4 15. They required that I go on administrative leave and said I first had to use all of my PTO
5 and then would be on unpaid leave until further notice. (May 31, 2023 marked the change
6 in policies of leave without pay).

7
8 16. On September 02, 2021, I was locked out of my work email.

9 17. After my PTO ended, all benefits were also ended.

10 18. I remained on administrative leave until May 31, 2023. Updated policy stated that
11 universal masking would no longer be required, but the caregivers who had submitted an
12 approved medical or religious exemption would now be allowed to return to work on
13 PeaceHealth facilities with the accommodation of using N95/KN95 masks at all times.
14 As stated previously, these masks were deemed unacceptable for use by everyone.
15 Physiological/facial structure variations made it ineffective as a protective device for
16 many people. Additionally, for those who could be fitted with them appropriately, they
17 were never considered effective for hours on end. There are many documentable
18 problems with mandating the use of the N-95 all day, and including 12 hour shifts; but
19 the separating unvaccinated people as needing these is another example of the punitive
20 and discriminatory practices against those declining the vaccination. Again, there is no
21 empirical scientific data supporting the idea that an unvaccinated person is
22 contaminating, or endangering anyone.
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26 19. As a result of my leave of absence, I experienced an abrupt loss of usual income. I
27 scrambled to enroll in Social Security Benefits to cover house payments. Projects to
28 develop income from my property were thwarted, and needed maintenance on my house

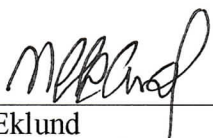
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1 were done by using funds which were removed with financial penalty. I was not
2 positioned to 'retire' immediately. I have accumulated credit card debt from covering
3 costs of living. The contempt directed toward me and the humiliation I experienced for
4 choosing to stand up for the right to protect myself against threats to my bodily integrity
5 and function were more difficult to describe than the obvious loss of tangible assets. To
6 be marginalized and discredited by peers and culture at large without sound evidence is a
7 threat to one's security as a social being.
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10
11 I SWEAR UNDER PENALTY PERJURY OF THE LAWS OF THE STATE OF
12 WASHINGTON THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT TO THE
13 BEST OF MY KNOWLEDGE AND BELIEF.

14 DATED AT Lummi Is, WA this 27th day of April 2024.

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18 _____
Nancy Eklund

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