

COPY

SEP 27 2005



MICHAEL K. JEANES, CLERK  
R. SNEDDON  
DEPUTY CLERK

1 TERRY GODDARD  
2 The Attorney General  
3 Firm No. 14000

4 Christopher R. Houk  
5 State Bar No. 020843  
6 Assistant Attorney General  
7 Civil Rights Division  
8 1275 W. Washington St.  
9 Phoenix, Arizona 85007  
10 Telephone: (602) 542-8606  
11 Facsimile: (602) 542-8899  
12 civilrights@azag.gov  
13 Attorneys for Plaintiff

14 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
15 IN AND FOR THE COUNTY OF MARICOPA

16 THE STATE OF ARIZONA ex rel. TERRY  
17 GODDARD, the Attorney General, and THE CIVIL  
18 RIGHTS DIVISION OF THE ARIZONA  
19 DEPARTMENT OF LAW,

20 Plaintiff,

21 vs.

22 CITIFINANCIAL, INC., a Maryland corporation,  
23 CPS SECURITY (USA), INC., a Nevada corporation,

24 Defendant.

No. CV2005-015054

COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF

(Nonclassified Civil)

25 Plaintiff, by and through its attorneys undersigned, alleges and states, as follows:

26 **INTRODUCTION**

27 This is an action under the Arizona Civil Rights Act ("ACRA"), A.R.S. § 41-1401, *et seq.*, to  
28 correct unlawful employment practices related to sex and to provide appropriate relief to aggrieved  
persons, and to vindicate the public interest. Specifically this matter is brought to redress the injury  
sustained by Dar El Salam El Wasil Awadalla Mohamed ("Ms. Mohamed") who was unlawfully

1 discriminated against by the Defendants.

2 **JURISDICTION AND VENUE**

3 1. This court has jurisdiction of this matter pursuant to A.R.S. § 41-1481(D).

4 2. Venue is proper in Maricopa County pursuant to A.R.S. § 12-401.

5 **PARTIES**

6 3. Plaintiff Arizona Civil Rights Division of the Arizona Department of Law (“the  
7 Division”) is an administrative agency of the State of Arizona established by A.R.S. § 41-1401 to  
8 enforce the provisions of the ACRA.

9 4. The Division brings this action on its own behalf and on behalf of Ms. Mohamed, an  
10 aggrieved person, who is female and black.

11 5. At all relevant times, Defendant CitiFinancial, Inc. (“CitiFinancial”) is a Maryland  
12 corporation doing business at 3201 North 29<sup>th</sup> Avenue, Suite 62, Phoenix, Arizona 85051.

13 6. At all relevant times, Defendant CPS Security (USA), Inc. (“CPS”) is a Nevada  
14 corporation with its principal place of business at 1917 West Glendale Avenue, Suite 8, Phoenix  
15 Arizona 85021. It further does business at 1850 North Central Avenue, #1160, Phoenix Arizona  
16 85004.

17 7. At all relevant times Melinda Keen was a branch manager at CitiFinancial.

18 8. At all relevant times Tony Garcia was one of CPS’ managers.

19 9. Upon information and belief, Ms. Mohamed was an employee of CPS pursuant to  
20 A.R.S. § 41-1461(3).

21 10. Upon information and belief, Ms. Mohamed was an employee of CitiFinancial  
22 pursuant to A.R.S. § 41-1461(3).

23 11. Upon information and belief, at all relevant times, CitiFinancial and CPS each had 15  
24  
25  
26  
27  
28

1 or more employees during the calendar year 2004 and are employers and/or agents of each other  
2 within the meaning of A.R.S. § 41-1461(4).

3 12. In the alternative, CPS is an employment agency pursuant to A.R.S. § 41-1461(5).

4 13. Therefore, CitiFinancial and CPS are legally responsible for the acts or omissions  
5 giving rise to this cause of action and are legally and proximately responsible for damages as alleged  
6 pursuant to A.R.S. § 41-1481.  
7

#### 8 STATEMENT OF FACTS

9 14. Ms. Mohamed began working in or about the beginning of August 2004 for CPS as a  
10 security guard and was trained by CPS.

11 15. Upon information and belief, Ms. Mohamed was hired as a full time employee by  
12 CPS, meaning that she expected to work at least 32 hours per week.  
13

14 16. On or about September 1, 2004, CPS assigned Ms. Mohamed to work as a security  
15 guard at CitiFinancial.

16 17. Ms. Mohamed had been scheduled to work at CitiFinancial at least through the end of  
17 that week.

18 18. Upon information and belief, at all relevant times, CitiFinancial paid for, and had the  
19 right to control the means and manner of, the work of the security guards assigned to it by CPS.  
20

21 19. Shortly after Ms. Mohamed's arrival at CitiFinancial, on or about September 1, 2004,  
22 Ms. Keen, branch manager for CitiFinancial, called CPS and told them she did not want a female  
23 security guard working at the bank.  
24

25 20. In response to Ms. Keen's request, CPS then picked up Ms. Mohamed and removed  
26 her from CitiFinancial.  
27  
28





WHEREFORE, Plaintiff requests that this Court:

1  
2 A. Enter a judgment on behalf of Plaintiff, finding that CitiFinancial and CPS unlawfully  
3 discriminated against Ms. Mohamed in violation of A.R.S. § 41-1463(B)(1).

4 B. Grant judgment requiring CitiFinancial and CPS to pay to Ms. Mohamed appropriate  
5 monetary relief, including back pay, in an amount to be determined at trial, including prejudgment  
6 interest.  
7

8 C. Order any affirmative relief as the Court deems necessary and proper in the public  
9 interest.

10 D. Grant a permanent injunction enjoining CitiFinancial and CPS, its officers, directors,  
11 successors, assigns and all persons in active concert and participation with them, from engaging in any  
12 employment practices that discriminate on the basis of sex.

13 E. Order CitiFinancial and CPS to institute and carry out policies, practices and programs  
14 which provide equal employment opportunities for all employees of CitiFinancial and CPS, and which  
15 eradicate the effects of its present unlawful employment practices, including but not limited to policy  
16 changes and training.  
17

18 F. Order authorization for the Division to monitor CitiFinancial and CPS' compliance with  
19 the Arizona Civil Rights Act and order CitiFinancial and CPS to pay a reasonable amount for such  
20 monitoring.  
21

22 G. Award the Division its costs incurred in bringing this action.

23 H. Grant such further relief as the Court deems necessary and proper in the public interest.  
24  
25  
26  
27  
28

1 DATED this 27<sup>th</sup> day of September 2005.

2 TERRY GODDARD  
3 Attorney General

4 By Christopher Houk

5 Christopher R. Houk  
6 Assistant Attorney General  
7 Civil Rights Division  
8 Attorneys for Plaintiff

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
285533