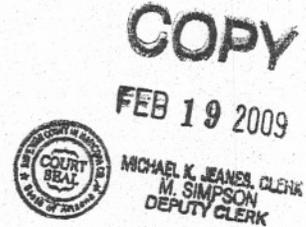


1 TERRY GODDARD
2 The Attorney General
3 Firm No. 14000

4 Ann Hobart, No. 019129
5 Assistant Attorney General
6 Civil Rights Division
7 1275 W. Washington St.
8 Phoenix, Arizona 85007
9 Telephone: (602) 542-8860
10 Facsimile: (602) 542-8899
11 civilrights@azag.gov
12 Attorneys for Plaintiff



10 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
11 IN AND FOR THE COUNTY OF MARICOPA

13 THE STATE OF ARIZONA ex rel. TERRY
14 GODDARD, the Attorney General, and THE
15 CIVIL RIGHTS DIVISION OF THE ARIZONA
16 DEPARTMENT OF LAW,

17 Plaintiff,

18 vs.

19 MARICOPA UNIFIED SCHOOL DISTRICT
20 NO. 20,

21 Defendant.

No. CV2009-004597

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF

22
23 Plaintiff, the State of Arizona, *ex rel.* Terry Goddard, the Attorney General, and the
24 Civil Rights Division of the Arizona Department of Law (collectively the "State"), for its
25 Complaint, alleges as follows:
26

1 17. Ms. Barrow's appointment was scheduled to be heard and approved by
2 Defendant's Board on January 9, 2008.

3 18. Defendant's Board deferred its decision regarding Ms. Barrow's appointment at
4 the January 9, 2008 meeting and has given contradictory reasons for its decision to defer Ms.
5 Barrow's appointment.

6 19. Defendant ultimately rescinded its second offer to Ms. Barrow and, for the third
7 time, posted the HR Specialist position.

8 20. Upon information and belief, when the second offer was rescinded, Defendant's
9 Human Resources Director told Ms. Barrow that she thought that the offer had been rescinded
10 because of Ms. Barrow's race and that she should speak with an attorney.

11 21. Ms. Barrow applied for the HR Specialist position when it was posted the third
12 time.

13 22. During the third round of interviews, Defendant's Director of Human Resources
14 invited Dr. Flores to participate on the interview panel.

15 23. During the third round of interviews, Ms. Barrow was interviewed, but not
16 selected for the HR Specialist position. Instead, the position was awarded to a non-black
17 person.

18 24. Upon information and belief, Ms. Barrow was a more qualified candidate than
19 the person appointed to fill the HR Specialist position.

20 25. Upon information and belief, Ms. Barrow was required to train the person
21 ultimately selected for the HR Specialist position on how to perform the position's job duties.

22 26. On March 13, 2008, Ms. Barrow filed a charge of discrimination with the
23 Arizona Civil Rights Division ("ACRD") alleging that she had been subjected to race
24 discrimination.

25 27. At the conclusion of the investigation into Ms. Barrow's charge of
26 discrimination, the ACRD, on January 20, 2009, issued a Reasonable Cause Determination

1 that Defendant had engaged in unlawful employment practices against Ms. Barrow because of
2 her race.

3 28. Since issuing its Reasonable Cause Determination, the Division, Ms. Barrow,
4 and Defendant have not entered into a Conciliation Agreement. The parties having thus
5 exhausted their administrative remedies, the State is authorized to file this Complaint pursuant
6 to A.R.S. § 14-1481(D).

7 **STATEMENT OF CLAIM**

8 **[Unlawful Employment Practice in Violation of the
9 Arizona Civil Rights Act, A.R.S. §41-1463(B)]**

10 29. The State re-alleges and incorporates by reference the allegations contained in
11 paragraphs 1 through 28 of this Complaint.

12 30. A.R.S. § 41-1463(B) states that it is an unlawful employment practice for an
13 employer to refuse to hire or otherwise discriminate against any individual with respect to the
14 individual's compensation, terms, conditions or privileges of employment because of the
15 individual's race.

16 31. Defendant engaged in an unlawful employment practice against Ms. Barrow in
17 violation of A.R.S. § 41-1463(B) through its selection process regarding the appointment of
18 the advertised HR Specialist position and by not selecting her for the HR Specialist position.

19 32. As a result of Defendant's unlawful employment practice, upon information and
20 belief, Ms. Barrow suffered monetary damages for which she should be compensated in an
21 amount to be determined at trial and is entitled to equitable relief pursuant to A.R.S. § 41-
22 1481(G).

23 33. The State is entitled to injunctive relief and other affirmative action, including
24 equitable relief, against Defendant's actions pursuant to A.R.S. § 41-1481(G).

25 **PRAYER FOR RELIEF**

26 WHEREFORE, the State requests that this Court:

1 A. Enter judgment on behalf of the State, finding that Defendant engaged in an
2 unlawful employment practice against Ms. Barrow because of her race in violation of the
3 Arizona Civil Rights Act.

4 B. Enjoin MUSD, its successors, assigns and all persons in active concert or
5 participation with MUSD, from engaging in any unlawful employment practice that violates
6 the Arizona Civil Rights Act.

7 C. Order MUSD, its successors, assigns and all persons in active concert or
8 participation with MUSD, to create and enforce policies, practices and programs that provide
9 equal employment opportunities for all its employees, and that eradicate the effects of its
10 present unlawful employment practices, including but not limited to, policy changes and
11 training.

12 D. Order MUSD, its successors, assigns and all persons in active concert or
13 participation with MUSD, to adopt and enforce an equal opportunity in employment policy
14 that prohibits retaliation and that includes a procedure for reporting and investigating
15 allegations of discrimination and retaliation as well as for sanctioning substantiated allegations
16 of discrimination and retaliation.

17 E. Issue an Order authorizing the State to monitor Defendant's compliance with the
18 Arizona Civil Rights Act and order MUSD, its successors, assigns and all persons in active
19 concert or participation with MUSD, to pay the State a reasonable amount for such monitoring.

20 F. Award the State its taxable costs incurred in bringing this action.

21 G. Award monetary damages to Ms. Barrow in an amount to be proven at trial.

22 H. Grant such other and further relief as this Court may deem just and proper in the
23 public interest.

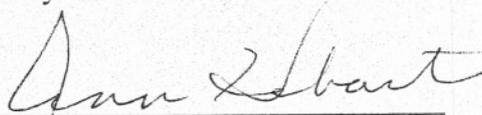
24 ///

25 ///

26 ///

1 Dated this 19th day of February, 2009.

2 TERRY GODDARD
3 Attorney General

4 By 

5 Ann Hobart
6 Assistant Attorney General
7 Civil Rights Division
8 Attorney for Plaintiff

9 399963

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