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

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

17 Plaintiff,

18 vs.

19 SPORTS CUTTERS, INC., an Arizona
20 corporation,

21 Defendant.

No.

CV2010-009871

COMPLAINT

(Non-classified Civil)

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

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1 8. Sports Cutters is legally responsible for the acts or omissions giving rise to this
2 cause of action and is legally and proximately responsible for damages as alleged pursuant to
3 A.R.S. § 41-1481.

4 9. At all relevant times, Carter was an employee of Sports Cutters within the meaning
5 of A.R.S. § 41-1461(3).

6 10. At all relevant times, Biro was an employee of Sports Cutters within the meaning of
7 A.R.S. § 41-1461(3).

8 11. At all relevant times, Defendant was the employer of Carter and the class of
9 similarly-situated aggrieved female employees within the meaning of A.R.S. § 41-1461(4).

10 BACKGROUND

11 12. Carter worked as a hair stylist at Sports Cutters from on or about September 23,
12 2008 until April 6, 2009.

13 13. Biro worked as a hair stylist at Sports Cutters from on or about July 14, 2008 until
14 October 4, 2008.

15 14. Karger was hired as a hair stylist at Sports Cutters on or about July 7, 2008 and
16 upon information and belief, continues to be employed there as of today.

17 15. In or about August 2008, Biro complained to Woodyatt that Karger engaged in
18 inappropriate sexual comments and conduct directed toward her.

19 16. Woodyatt undertook no investigation into Biro's complaint.

20 17. Subsequent to Biro's complaint regarding Karger's inappropriate sexual comments
21 and conduct, she was transferred to another Sports Cutters location.

22 18. Woodyatt terminated Biro's employment on October 4, 2008.

23 19. Beginning on her second day of employment and thereafter, throughout her
24 employment at Sports Cutters, Karger subjected Carter to sexual harassment on a daily basis,
25 including repeatedly asking for "hand jobs" and referred to her or other women "sluts" or
26 "whores."

1 20. On at least three occasions, in November 2008, January 2009, and February 2009,
2 Karger exposed his penis to Carter.

3 21. In or about October 2008, Carter complained to Woodyatt that Karger engaged in
4 inappropriate sexual comments and conduct directed toward her.

5 22. Woodyatt took no action in response to Carter's October 2008 complaint.

6 23. In or about February 2009, Carter twice complained to Woodyatt that Karger
7 continued to engage in inappropriate sexual comments and conduct directed toward her and
8 specifically that he had exposed his penis to her in the workplace, solicited her for a "hand job,"
9 and called her a slut.

10 24. On or around March 5, 2009, Carter contacted Woodyatt by phone to complain once
11 again of Karger's behavior.

12 25. Woodyatt did not speak to Karger about Carter's complaints or take steps to ensure
13 that Carter would not work the same shift as Karger until after she received Carter's complaint
14 filed with the State's Compliance Section.

15 26. On or about April 6, 2009, Carter resigned her position at Sports Cutters because of
16 Karger's conduct and Sports Cutters failure to take sufficient corrective action to address or
17 prevent the harassment.

18 27. Sports Cutters has no written policy prohibiting sexual harassment, no procedure for
19 taking and investigating sexual harassment complaints by employees, and provides no sexual
20 harassment training for management or employees.

21 28. On or about March 20, 2009, Carter timely filed a complaint with the State's
22 Compliance Section and a dual complaint with the Equal Employment Opportunity
23 Commission, in which Carter alleged that she had been the victim of sexual harassment by
24 Karger.

25 29. At the conclusion of its investigation into Carter's complaint, the State determined
26 that there is reasonable cause to believe that Defendants violated the ACRA by subjecting

1 Carter and a class of similarly-situated female employees to sex discrimination, in violation of
2 A.R.S. § 41-1463(B)(1).

3 30. The State issued its Cause Findings on or about February 22, 2010, and since that
4 time the State, Carter, and Sports Cutters have not entered into a Conciliation Agreement.

5
6 **STATEMENT OF CLAIM**

7 **Count One**

8 **[Discrimination in Violation of the Arizona Civil Rights Act, A.R.S. § 41-**
9 **1463(B)(1)]**

10 31. The State re-alleges and incorporates by reference the allegations contained in
11 paragraphs 1 through 30 of this Complaint.

12 32. Under A.R.S. § 41-1463(B)(1), it is an unlawful employment practice for an
13 employer to discriminate against any individual with respect to their compensation, terms,
14 conditions, or privileges of employment because of such individual's sex.

15 33. Sports Cutters unlawfully discriminated against Carter by subjecting her to severe or
16 pervasive conduct that changed the terms and conditions of Carter's employment, and that of
17 the class of similarly-situated female employees, including but not limited to Biro, and created
18 a hostile work environment because of their sex, female, in violation of A.R.S. § 41-
19 1463(B)(1).

20 34. As a result of Defendant's unlawful discrimination and Carter's constructive
21 discharge, Carter, Biro, and the class of similarly-situated female employees suffered monetary
22 damages for which they should be compensated in an amount to be determined at trial pursuant
23 to A.R.S. § 41-1481(G).

24 35. Further, as a result of Defendants' unlawful discrimination, the State is entitled to
25 injunctive relief under A.R.S. § 41-1481(G).

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PRAYER FOR RELIEF

WHEREFORE, the State requests that this Court:

1. Enter a judgment on behalf of the State, finding that Defendants unlawfully discriminated against Carter because of her sex in violation of A.R.S. § 41-1463(B)(1).

2. Enjoin Defendant, including the owners, employees, successors, assigns, and all persons in active concert or participation with Defendant, from engaging in any employment practice that discriminates on the basis of sex or involves unlawful retaliation.

3. Order Defendant to make Carter, Biro, and the class of similarly-situated female employees whole and award them damages in an amount to be determined at trial and order appropriate equitable relief, such as front pay.

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

5. Order the State to monitor Defendant's compliance with ACRA.

6. Award the State its costs in monitoring Defendant's future compliance with ACRA.

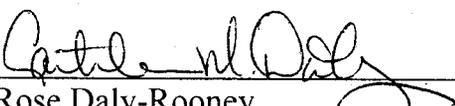
7. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for all employees of Defendant, and which eradicate the effects of its present unlawful employment practices, including but not limited to policy changes and training.

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

9. Grant such further relief as the Court deems necessary and proper in the public interest.

DATED this 19th day of March, 2010.

TERRY GODDARD
Attorney General

By 
Rose Daly-Rooney
Cathleen M. Dooley

Assistant Attorney General
Civil Rights Division
Attorney for the State

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