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10 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
11  
12 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 BIG DAN'S DRIVE THRU, L.L.C., an Arizona  
20 limited liability company; DANIEL PORTER  
21 STEED and JANE DOE STEED, husband and  
22 wife,

23 Defendants.

CV2007-010712

COMPLAINT  
(Non-classified Civil)

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

27 ///

28 ///



STATEMENT OF CLAIM

1  
2           7.     At all relevant times, Defendants were authorized to and doing restaurant  
3 business at Big Dan's.

4           8.     At all relevant times, Defendants operated Big Dan's as a public place where,  
5 among other things, food or beverages were sold for consumption on the premises.

6           9.     At all relevant times, Defendants also offered drive thru, takeout services, food,  
7 and dining facilities at Big Dan's to members of the general public.

8           10.    Upon information and belief, Defendants solicited patronage for Big Dan's at all  
9 relevant times from members of the general public.

10          11.    At all relevant times, Big Dan's was a place of public accommodation within the  
11 meaning of A.R.S. § 41-1441(2).

12          12.    Steed is and at all relevant times has been a member of the FLDS. Upon  
13 information and belief, Defendant Jane Doe Steed is and at all relevant times has been a  
14 member of the FLDS.

15          13.    Upon information and belief, on or about January 2004, Isaac Wyler ("Wyler")  
16 and twenty other men were ex-communicated by FLDS's leader, Warren Jeffs ("Jeffs") and  
17 told to go "repent at a distance," which means leave the community. Jeffs also ordered the  
18 men's family members not to speak to the ex-communicated men and ordered the men's wives  
19 to turn themselves into the Bishop.

20          14.    Upon information and belief, FLDS members label as "Apostates" those that have  
21 been ex-communicated from or who have voluntarily left the FLDS; particularly those that  
22 oppose Jeffs by staying in the community and asserting their rights for equal treatment. Upon  
23 information and belief, FLDS members are taught not to associate or do business with  
24 Apostates.

25          15.    At all relevant times, Wyler, Andrew Chatwin, and Michael Chatwin were ex-  
26 FLDS members. Upon information and belief, at all relevant times, FLDS members considered  
27 these men to be Apostates.

28

1           16.    On or about late March or early April 2006, Wyler and his cousins, Andrew  
2 Chatwin and Daniel Chatwin, went to Big Dan's where they ordered meals and sat down to eat.  
3 Steed approached them and told them to hurry up and finish eating and leave.

4           17.    Thereafter, on or about April or May 2006, Wyler returned to Big Dan's with  
5 Andrew Chatwin, Michelle Chatwin, Levi Chatwin, and Michael Chatwin. At that time, Steed  
6 brought out their food in "to go" boxes and told them to leave. Big Dan's continued to serve  
7 other customers and, upon information and belief, Steed did not tell those other customers to  
8 leave without eating.

9           18.    On or about early July 2006, Wyler returned to Big Dan's with Andrew Chatwin  
10 and Andrew Chatwin's wife, Michelle Chatwin (the "group"). At that time, Wyler and his  
11 group attempted to order meals but Steed refused to take their order. Instead, Steed called the  
12 Colorado City Marshall's Office. Shortly thereafter, Deputy Marshall Jonathan Roundy arrived  
13 and asked the group to leave Big Dan's. Big Dan's continued to serve other customers and did  
14 not refuse to take orders or call the City Marshall's Office regarding those other customers.

15           19.    On July 11, 2006, Wyler filed a timely complaint of discrimination by a place of  
16 public accommodation with the State's Civil Rights Division, Compliance Section, alleging  
17 that he, his family members and friends were denied service at Big Dan's on the basis of their  
18 religious status, in violation of the ACRA. Wyler amended the complaint on November 14,  
19 2006 to delete Chester Fried Chicken as a respondent, and to name Steed as a respondent.

20           20.    The State's Civil Rights Division investigated Wyler's complaint. In the course  
21 of that investigation, Steed testified, among other things, that he is a member of the FLDS and  
22 that approximately one dozen of his regular customers had advised him that they would not eat  
23 at Big Dan's if Wyler and Andrew Chatwin ate there.

24           21.    At the conclusion of its investigation, the State determined that there is  
25 reasonable cause to believe that Defendants discriminated against Wyler, Andrew Chatwin,  
26 Michelle Chatwin, Levi Chatwin, and Michael Chatwin based on religion ("the Cause  
27 Finding").  
28





1 B. Enjoin Defendants, their successors, assigns and all persons in active concert or  
2 participation with Defendants from engaging in any public accommodation practice that  
3 discriminates on the basis of religion in violation of the ACRA;

4 C. Assess a statutory civil penalty against Defendants to vindicate the public interest  
5 in an amount that does not exceed five thousand dollars for a first violation and ten thousand  
6 dollars for any subsequent violation pursuant to A.R.S. § 41-1472(B)(4);

7 D. Order Defendants to make Wyler, Andrew Chatwin, Michelle Chatwin, Levi  
8 Chatwin, and Michael Chatwin whole and award Wyler, Andrew Chatwin, Michelle Chatwin,  
9 Levi Chatwin, and Michael Chatwin damages in amounts to be determined at trial;

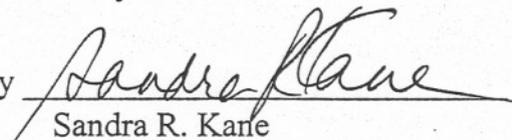
10 E. Order the State to monitor Defendants' compliance with the ACRA;

11 F. Award the State its costs incurred in bringing this action and its costs in  
12 monitoring Defendants' future compliance with the ACRA; and

13 G. Grant such other and further relief as this Court may deem just and proper in the  
14 public interest.

15 DATED this 14<sup>th</sup> day of June, 2007.

16 TERRY GODDARD  
17 Attorney General

18 By   
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