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

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

Plaintiff,

vs.

DREXEL DIESEL SERVICE, L.L.C., an  
Arizona limited liability company,

Defendant.

DV 2006-017862

**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

(Non-classified Civil)

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

///

## INTRODUCTION

1  
2 This is an action brought under the Arizona Civil Rights Act ("ACRA"), A.R.S. § 41-  
3 1401, et seq., to correct unlawful sex discrimination and retaliation in employment, to provide  
4 appropriate relief to aggrieved persons, and to vindicate the public interest. Specifically, the  
5 State brings this matter to redress the injury sustained by Marilyn Alvarez ("Alvarez") and  
6 Lizzie Brown ("Brown") who were unlawfully discriminated against by Defendant.

## JURISDICTION AND VENUE

- 7
- 8 1. This court has jurisdiction of this matter pursuant to A.R.S. § 41-1481(D).
  - 9 2. Venue is proper in Maricopa County pursuant to A.R.S. § 12-401(17).

## PARTIES

10

- 11 3. The Civil Rights Division of the Arizona Department of Law is an administrative  
12 agency established by A.R.S. § 41-1401 to enforce the provisions of the ACRA, A.R.S. § 41-  
13 1401 et seq.

14 4. The State brings this action on its own behalf and on behalf of Brown and Alvarez,  
15 who are charging parties and on whose behalf the State is entitled to bring this action pursuant  
16 to A.R.S. § 41-1481(D).

17 5. At all relevant times, Defendant Drexel Diesel Service, L.L.C. ("Drexel") was an  
18 Arizona limited liability company authorized to, and doing, business in the State of Arizona.  
19 Among other things, Drexel rebuilds and resales heavy equipment. Drexel employed less than  
20 fifteen employees during the relevant time period.

21 6. At all relevant times, Jim Carrillo Sr. ("Carrillo") was an owner of Drexel and is  
22 also the individual who is alleged to have engaged in the unlawful employment practices which  
23 are the subject of this litigation.

24 7. Drexel is legally responsible for the acts or omissions giving rise to this cause of  
25 action and are legally and proximately responsible for damages as alleged pursuant to A.R.S.  
26 § 41-1481.

1 8. At all relevant times, Brown was an employee of Drexel within the meaning of  
2 A.R.S. § 41-1461(3).

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

5 10. At all relevant times, Drexel employed Brown and Alvarez within the meaning of  
6 A.R.S. § 41-1461(4).

7 **BACKGROUND**

8 11. Alvarez worked for Drexel from July 2001 until October 21, 2005. Brown worked  
9 for Drexel from April 4, 2004 until October 21, 2005.

10 12. At all relevant times, Alvarez's job performance was satisfactory.

11 13. At all relevant times, Brown's job performance was satisfactory.

12 14. During their employment Carrillo subjected Alvarez and Brown to comments and  
13 conduct that was sufficiently severe or pervasive to change the terms and conditions of their  
14 employment and created a hostile, intimidating and offensive work environment.

15 15. For example, Carrillo subjected Alvarez to unwelcome sexual comments and  
16 innuendos, and made offensive comments to Alvarez about her body and attempted to, and did,  
17 inappropriately touch Alvarez.

18 16. Carrillo also offensively touched Brown and subjected her to unwelcome sexual  
19 comments.

20 17. Brown complained to another owner of Drexel, Jim Carrillo Jr., about Carrillo's  
21 inappropriate conduct toward herself and Alvarez on or about October 17, 2005.

22 18. Jim Carrillo Jr. reported Brown's complaint to Carrillo.

23 19. On October 21, 2005, Carrillo demanded that Brown speak to him in Carrillo's  
24 truck. During that conversation, Carrillo yelled at Brown for telling Jim Carrillo Jr. that  
25 Carrillo was sexually harassing Brown and Alvarez.

26 ///

1 20. On or about November 23, 2005, Brown timely filed a complaint with the State's  
2 Compliance Section, in which Brown alleged that she had been the victim of sexual harassment  
3 by Carillo and retaliated against her when she complained about the harassment.

4 21. On or about December 15, 2005, Alvarez timely filed a complaint with the State's  
5 Compliance Section, in which Brown alleged that she had been the victim of sexual harassment  
6 by Carillo.

7 22. At the conclusion of its investigation into Brown and Alvarez's complaints, the  
8 State determined that there is reasonable cause to believe that Drexel violated the ACRA by  
9 subjecting Brown and Alvarez to sex discrimination, in violation of A.R.S. § 41-1463(B)(1)  
10 and by retaliating against Brown in violation of A.R.S. § 41-1464(A).

11 23. The State issued its Cause Findings on or about October 23, 2006, and since that  
12 time, the State, Brown, Alvarez, and Drexel have not entered into a Conciliation Agreement.

13 **STATEMENT OF CLAIM**

14 **Count One**

15 **[Discrimination in Violation of the Arizona Civil Rights Act, A.R.S. § 41-**  
16 **1463(B)(1)]**

17 24. The State re-alleges and incorporates by reference the allegations contained in  
18 paragraphs 1 through 23 of this Complaint.

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

22 26. Drexel unlawfully discriminated against Brown because of her sex in violation of  
23 A.R.S. § 41-1463(B)(1).

24 27. Drexel unlawfully discriminated against Alvarez because of her sex in violation of  
25 A.R.S. § 41-1463(B)(1).

26 ///

1 28. As a result of Drexel's unlawful discrimination, Brown suffered monetary damages  
2 for which she should be compensated in an amount to be determined at trial pursuant to A.R.S.  
3 § 41-1481(G).

4 29. As a result of Drexel's unlawful discrimination, Alvarez suffered monetary damages  
5 for which she should be compensated in an amount to be determined at trial pursuant to A.R.S.  
6 § 41-1481(G).

7 30. Further, as a result of Drexel's unlawful discrimination, the State is entitled to  
8 injunctive relief under A.R.S. § 41-1481(G).

9 **Count Two**

10 **[Discrimination in Violation of the Arizona Civil Rights Act, A.R.S. § 41-1464(A)]**

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

13 32. Under A.R.S. § 41-1464(A), it is an unlawful employment practice for an employer  
14 to discriminate against an employee because the employee has opposed any practice which is  
15 an unlawful employment practice under the ACRA.

16 33. Brown opposed conduct which she reasonably perceived to be sex discrimination,  
17 prohibited by A.R.S. § 41-1463(B)(1), by complaining about Carrillo's conduct to Jim Carillo  
18 Jr.

19 34. Drexel violated A.R.S. § 41-1464(A) by terminating Brown for opposing Carrillo's  
20 conduct.

21 35. As a result of Drexel's unlawful discrimination, Brown suffered monetary damages  
22 for which she should be compensated in an amount to be determined at trial pursuant to A.R.S.  
23 § 41-1481(G).

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

26 ///

PRAYER FOR RELIEF

WHEREFORE, the State requests that this Court:

1. Enter a judgment on behalf of the State, finding that Defendant unlawfully discriminated against Brown and Alvarez because of their sex in violation of A.R.S. § 41-1463(B)(1).

2. Enter a judgment on behalf of the State, finding that Defendant unlawfully discriminated against Brown by retaliating against her in violation of A.R.S. § 41-1464(A).

3. Enjoin Defendant, its 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.

4. Order Defendant to make Brown and Alvarez whole and award Brown and Alvarez damages in an amount to be determined at trial.

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.

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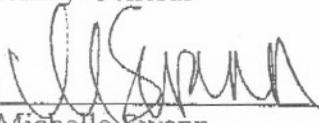
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9. Grant such further relief as the Court deems necessary and proper in the public interest.

DATED this 22<sup>nd</sup> day of November, 2006.

TERRY GODDARD  
Attorney General

By   
\_\_\_\_\_  
Michelle Swann  
Assistant Attorney General  
Civil Rights Division  
Attorneys for the State

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