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

CV2010-029881

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,

No.

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**
(Nonclassified Civil)

17 Plaintiff,

18 vs.

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20 NATURAL HEALTH CARE ALTERNATIVES,
21 P.C., FRANK BLY HATCH, OWNER,

22 Defendants.

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:
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INTRODUCTION

11 This is an action brought pursuant to the Arizona Civil Rights Act to correct an
12 unlawful employment practice, provide appropriate relief to an aggrieved person, and
13 vindicate the public interest. Specifically, the State brings this action to redress injury inflicted
14 upon aggrieved party Sydney Rothamer (hereinafter, "Ms. Rothamer") by her former
15 employer, Dr. Frank Bly Hatch and Natural Health Care Alternatives, P.C., which occurred as
16 a result of sexual harassment and sex discrimination in violation of Arizona Civil Rights Act,
17 A.R.S. § 41-1463.

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JURISDICTION AND VENUE

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

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

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PARTIES

1 The Civil Rights Division of the Arizona Department of Law is an administrative
2 agency established by A.R.S. § 41-1401 to enforce the provisions of the Arizona Civil Rights
3 Act, A.R.S. § 41-1401 *et seq.*

4 6. The State brings this action on its own behalf and on behalf of Ms. Rothamer, an
5 aggrieved person within the meaning of A.R.S. § 41-1481.

6 7. At all relevant times, Defendant Natural Health Care Alternatives, P.C. was an
7 Arizona corporation with its principal place of business located at 18761 North Reems Road,
8 Suite 400, Surprise, Arizona 85374.

9 8. During all relevant times, Defendant Dr. Frank Bly Hatch owned and operated
10 Natural Health Care Alternatives, P.C. (collectively "Defendants"), a health care business
11 (chiropractic services), at 18761 North Reems Road, Suite 400, Surprise, Arizona. Dr. Hatch
12 serves as CEO, President and Director of Natural Health Care Alternatives, P.C.

1 18. On or about March 30, 2009, Dr. Hatch came into the room where she was
2 emptying the trash and closed the door. At that time, Dr. Hatch talked about his wife's
3 mastectomy and anticipated reconstructive surgery, including placement of the nipple.

4 19. Dr. Hatch then asked Ms. Rothamer to remove her shirt and her bra and then
5 touched both of Ms. Rothamer's breasts.

6 20. Given Dr. Hatch's status as a doctor in a position of authority, Ms. Rothamer
7 believed Dr. Hatch's actions were for a medical purpose but she felt scared and shocked
8 during the incident.

9 21. On or about March 31, 2009, Ms. Rothamer filed a police report regarding the
10 March 30, 2009 incident and included information in her police report about the pinching
11 comment and Dr. Hatch's request to do chiropractic work on him.

12 22. Ms. Rothamer resigned her employment with Defendants on March 31, 2009, the
13 day after Dr. Hatch had touched her breasts, because of the sexual harassment to which she
14 had been subjected.

15 23. Ms. Rothamer was constructively discharged from her employment with
16 Defendants.

17 24. On August 25, 2009, Ms. Rothamer filed a Charge of Discrimination against
18 Defendants alleging that she was subjected to sexual harassment and sex discrimination. The
19 Division conducted an investigation into Ms. Rothamer's allegations.

20 25. Following its investigation, the Division found that reasonable cause existed to
21 believe Defendants discriminated against Ms. Rothamer because of her sex in violation of
22 A.R.S. § 41-1463.

23 26. A timely attempt to conciliate this matter in accordance with A.R.S. § 14-1481(D)
24 was unsuccessful. Consequently, the State brings this Complaint pursuant to A.R.S. § 14-
25 1481(D).

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1 C. Order Defendants to make Ms. Rothamer whole and award Ms. Rothamer back
2 wages and front pay calculated from the date of her constructive discharge on March 31, 2009
3 in amounts to be determined at trial.

4 D. Order Defendants, their successors, assigns and all persons in active concert or
5 participation with Defendants, to create and enforce policies, practices and programs that
6 provide equal employment opportunities for all its employees, and that eradicate the effects of
7 its present unlawful employment practices, including but not limited to, policy changes and
8 training.

9 E. Order Defendant Dr. Hatch to complete training, consulting and coaching by a
10 qualified occupational psychologist or other trained professional for remedial sexual
11 harassment counseling.

12 F. Order Defendants to provide training about sexual harassment for all existing
13 employees and new hires.

14 G. Order Defendants to contract with a third party vendor to take employee
15 confidential reports of harassment and to investigate such reports.

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

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

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

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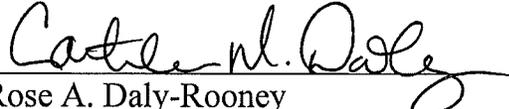
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1 Dated this 28th day of October, 2010.

2 TERRY GODDARD
3 Attorney General

4 By 
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6 Cathleen M. Dooley
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