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COPY

JUN 13 2008



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11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
12 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 SW GENERAL, INC., A SUBSIDIARY OF  
20 RURAL/METRO CORPORATION, D/B/A  
21 SOUTHWEST AMBULANCE,

22 Defendant.

No.

CV2008-014174

COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF  
(Nonclassified 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:

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**INTRODUCTION**

This is an action brought under the Arizona Civil Rights Act to correct an unlawful employment practice, to provide appropriate relief to an aggrieved person, and to vindicate the public interest. Specifically, the State brings this matter to redress the injury sustained because Defendant SW General, Inc., a subsidiary of Rural/Metro Corporation, d/b/a Southwest Ambulance (“Southwest Ambulance”) discriminated against Nairi Cornejo by creating a hostile work environment because of her national origin and by retaliating against her when she opposed conduct which she reasonably perceived to be discrimination in violation of the Arizona Civil Rights Act, A.R.S. §§ 41-1463(B) and 41-1464(A).

**JURISDICTION AND VENUE**

1. This Court has jurisdiction of this matter pursuant to A.R.S. § 41-1481(D).
2. Venue is proper in Pima County pursuant to A.R.S. § 12-401.

**PARTIES**

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

4. The State brings this action on its own behalf and on behalf of Ms. Cornejo, an aggrieved person, as provided by A.R.S. §§ 41-1481(D) and (G).

5. Ms. Cornejo is a Hispanic woman.

6. At all relevant times, Defendant Southwest Ambulance was an Arizona corporation authorized to do, and doing, business in Maricopa County, Arizona. Southwest Ambulance maintains a place of business at 708 West Baseline Road, Mesa, Arizona 85210 and is a private ambulance provider.

7. At all relevant times, Southwest Ambulance was an employer within the meaning of A.R.S. § 41-1461(4)(a).



1           18.    During the same relative time period, Boyer brandished a box cutter, and in a  
2 threatening manner, placed the knife near Ms. Cornejo's neck, claiming it to be a joke.

3           19.    On or about February 4, 2007 Ms. Cornejo's co-worker initiated an altercation  
4 with her during which her co-worker made a derogatory slur about her national origin, pushed  
5 her and yelled at her. The altercation was witnessed by Ms. Cornejo's co-workers.

6           20.    Following verbal complaints to at least two Defendant managers and/or  
7 supervisors which did not lead to a formal investigation, Ms. Cornejo submitted a written  
8 complaint to another Defendant manager. In her written complaint Ms. Cornejo complained  
9 about the altercation, including the slur based upon her national origin. Defendant initiated a  
10 formal investigation on or about February 10, 2007.

11          21.    While the investigation was pending, Defendant accused Ms. Cornejo of  
12 speaking about Boyer's derogatory comment to others and accused her of creating a hostile  
13 work environment for Boyer by discussing Boyer's racial slur against her.

14          22.    On or about March 13, 2007 Defendant informed Ms. Cornejo that she was to be  
15 transferred to a different, less desirable duty post. Ms. Cornejo protested the transfer.  
16 Ultimately Ms. Cornejo was transferred to a different, less desirable duty post where she lost  
17 overtime opportunities and career advancement opportunities.

18          23.    On or about April 20, 2007, Ms. Cornejo filed a timely charge of discrimination  
19 on the basis of national origin discrimination and retaliation against Southwest Ambulance,  
20 and the Civil Rights Division commenced an investigation of the charge.

21          24.    At the conclusion of the investigation, the Civil Right's Division determined that  
22 there was reasonable cause to believe that Defendant retaliated against Ms. Cornejo for  
23 complaining of discriminatory treatment.

24          25.    The Civil Rights Division issued its Cause Finding on April 4, 2008, and since  
25 that time, the Division, Ms. Cornejo and Defendant have not entered into a Conciliation  
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1 Agreement. The parties having thus exhausted their administrative remedies, the State is  
2 authorized to file this Complaint pursuant to A.R.S. § 14-1481(D).

3 26. The parties entered into a tolling agreement extending the time in which to file  
4 this lawsuit until June 16, 2008.

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6 **STATEMENT OF CLAIMS**

7 **COUNT ONE**

8 **[National Origin Harassment in Violation of the Arizona Civil Rights Act, A.R.S. §41-**  
9 **1461 *et seq.*]**

10 27. Plaintiff realleges and incorporates by reference the allegations contained in  
11 paragraphs 1 through 26 of this Complaint.

12 28. 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 her compensation, terms,  
14 conditions, or privileges of employment because of her sex.

15 29. Defendants have unlawfully discriminated against Cornejo in violation of  
16 A.R.S. § 41-1463(B)(1) by subjecting her to a hostile work environment because of her  
17 national origin, .

18 30. As a result of Defendant's discrimination, upon information and belief, Cornejo  
19 suffered lost wages for which she should be compensated in an amount to be determined at  
20 trial pursuant to A.R.S. § 41-1481(G).

21 31. The State also is entitled to injunctive relief against Defendant's actions  
22 pursuant to A.R.S. § 41-1481(G).

23 **COUNT TWO**

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

25 32. The State re-alleges and incorporates by reference the allegations contained in  
26 paragraphs 1 through 31 of this Complaint.



1 and programs that provide equal employment opportunities for all its employees, and that  
2 eradicate the effects of its present unlawful employment practices, including but not limited to,  
3 policy changes and training.

4 D. Order Southwest Ambulance, its successors, assigns and all persons in active  
5 concert or participation with Southwest Ambulance, to adopt and enforce an equal opportunity  
6 in employment policy that prohibits retaliation and that includes a procedure for reporting and  
7 investigating allegations of discrimination and retaliation as well as for sanctioning  
8 substantiated allegations of discrimination and retaliation.

9 E. Issue an Order authorizing the State to monitor Defendant's compliance with the  
10 Arizona Civil Rights Act and order Southwest Ambulance, its successors, assigns and all  
11 persons in active concert or participation with Southwest Ambulance, to pay the State a  
12 reasonable amount for such monitoring.

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

14 G. Award monetary damages to Ms. Cornejo in an amount to be proven at trial.

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

17 Dated this 13<sup>th</sup> day of June, 2008.

18 TERRY GODDARD  
19 Attorney General

20  
21 By Christopher Houk  
22 Phyllis A. Roestenberg  
23 Christopher R. Houk  
24 Assistant Attorney General  
25 Civil Rights Division  
26 Attorneys for Plaintiff

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