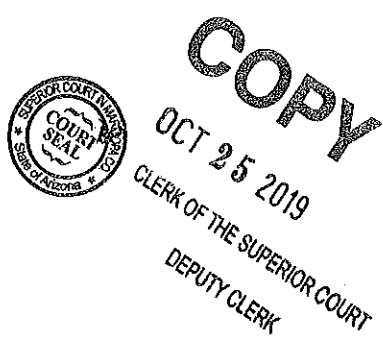


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12 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
13 **IN AND FOR THE COUNTY OF MARICOPA**

15 STATE OF ARIZONA, *ex rel.* MARK
16 BRNOVICH, the Attorney General, and the
17 CIVIL RIGHTS DIVISION OF THE
18 ARIZONA DEPARTMENT OF LAW,

18 Plaintiff,

19 vs.

20 OBRIGIS, LLC, d/b/a O'BRIEN'S SPORTS
21 BAR,
22 Defendant.

Case No.:

CV2019-014008

CIVIL COMPLAINT

23 Plaintiff, the State of Arizona, *ex rel.* Mark Brnovich, the Attorney General, and the
24 Civil Rights Division of the Arizona Department of Law (collectively, "the State") alleges and
25 states, as follows:
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INTRODUCTION

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1. The State brings this civil rights action under the Arizonans with Disabilities Act to correct an unlawful public accommodations practice, redress injury, and vindicate the public interest.

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2. Specifically, the State brings this matter due to discrimination in public accommodations by Defendant Obrigis, LLC, d/b/a O'Brien's Sports Bar ("Defendant") in denying Bill Larson ("Larson") full and equal enjoyment of Defendant's goods, services, facilities, privileges, advantages, or accommodations on the basis of Mr. Larson's disability in violation of A.R.S. § 41-1492.02(A).

JURISDICTION AND VENUE

3. This Court has jurisdiction of this matter pursuant to A.R.S. § 41-1492.09.

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

PARTIES

5. The Civil Rights Division of the Arizona Department of Law ("the Division") is an administrative agency of the State of Arizona established by A.R.S. § 41-1401 to administer and enforce the provisions of the Arizonans with Disabilities Act, A.R.S. § 41-1401, *et seq.*

6. The State brings this action on its own behalf, and on behalf of Mr. Larson, as provided by A.R.S. § 41-1492.09.

7. Defendant operates O'Brien's Sports Bar located in Phoenix, Arizona; an establishment which serves food and drink. At all times relevant to the allegations in this Complaint, Defendant operated a place of public accommodation within the meaning of A.R.S. § 41-1492(11)(b).

1 **GENERAL ALLEGATIONS**

2 8. Mr. Larson has a brain injury which causes him to experience transient ischemic
3 attacks.

4
5 9. Because of his impairment, Mr. Larson is substantially limited in the operation of
6 one or more major bodily functions, including brain and neurological functions. During the
7 period relevant to this complaint, Mr. Larson had a disability as defined in A.R.S. § 41-
8 1492(6)(a) and A.R.S. § 41-1492(8)(b).

9
10 10. Mr. Larson's doctor advised him to get a service animal to help him manage his
11 disability. Mr. Larson has a service animal named Whopper.

12 11. Whopper has been trained as a medical alert service dog. Whopper has been
13 trained to detect the onset of a transient ischemic attack before it occurs and alert Mr. Larson so
14 that he can take steps to protect himself and others, like pulling off to the side of the road if he
15 is driving.

16
17 12. On or about January 16, 2018, Mr. Larson and Whopper visited Defendant's bar
18 and was denied service. Upon entering, bartender Andrea Carmody told him that dogs are not
19 allowed in the establishment and told him to leave. Mr. Larson told Ms. Carmody that Whopper
20 is a service dog.

21
22 13. Mr. Larson proceeded to sit on the patio with Whopper and some friends that he
23 had met at the bar. Alan Swenson, the owner of the bar, approached Mr. Larson and also told
24 him to leave the bar because he had a dog with him. Mr. Larson subsequently left the bar.

25 14. Defendant only allows on its premises service animals that assist with navigation,
26 hearing, and sight disabilities. Service animals that do not assist with disabilities related to
navigation, hearing, or sight are not allowed into the establishment.

1 15. Defendant refused to allow Mr. Larson to bring his service animal into the bar
2 and denied him full and equal enjoyment of the bar because of his disability.

3 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

4 16. On or about March 12, 2018, Mr. Larson filed a charge of disability
5 discrimination with the Division against Defendant. Mr. Larson's Complaint alleges Defendant
6 refused service to him and ordered him to leave the establishment because of his disability in
7 violation of the Arizonans with Disabilities Act.
8

9 17. After investigating the allegations in Mr. Larson's complaint, the Division issued
10 a Reasonable Cause Determination finding that Defendant discriminated against Mr. Larson by
11 denying him full and equal enjoyment of Defendant's goods, services, facilities, privileges,
12 advantages, or accommodations in violation of A.R.S. § 41-1492.02(A).
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14 18. The State and Mr. Larson have participated in informal methods of conference,
15 conciliation, and persuasion with Defendant pursuant to A.R.S. § 41-1492.09(A).
16

17 19. The parties have not entered into a conciliation agreement and the State brings
18 this Complaint pursuant to A.R.S. § 41-1492.09(A).
19

20 **COUNT I**

21 **[Discrimination on the Basis of Disability in Violation of A.R.S. § 41-1492.02(A)]**

22 20. The State realleges and incorporates by reference the allegations contained in
23 paragraphs 1 through 19 of this Complaint.

24 21. Under A.R.S. § 41-1492.02(A), it is unlawful for a place of public
25 accommodation to deny an individual full and equal enjoyment of its goods, services, facilities,
26 privileges, advantages, or accommodations on the basis of disability.

1 22. At the time Mr. Larson attempted to enjoy the benefits of the place of public
2 accommodation, he was an individual with disabilities.

3 23. Mr. Larson's requested accommodation—the ability to bring his service dog into
4 the establishment—was reasonable.

5 24. Defendant engaged in unlawful discriminatory practices in violation of A.R.S. §
6 41-1492.02(A) when it refused service to Mr. Larson and repeatedly told him to leave the bar.

7 25. To remedy the effects of Defendant's discrimination, Mr. Larson is entitled to
8 equitable relief and monetary damages under A.R.S. § 41-1492.09(B)(1)-(2).
9

10 26. The State also is entitled to injunctive relief and affirmative relief, and a civil
11 penalty to remedy Defendant's actions pursuant to A.R.S. § 41-1492.09(B)-(C).
12

13 **PRAYER FOR RELIEF**

14 WHEREFORE, the State requests that this Court:

15 A. Enter judgment on behalf of the State, finding that Defendant unlawfully failed to
16 make reasonable accommodations for Mr. Larson's disabilities, and discriminated against Mr.
17 Larson on the basis of his disabilities when denied him the benefits of a public accommodation
18 in violation of the Arizonans with Disabilities Act;

19 B. Permanently enjoin Defendant, its successors, assigns, and all persons in active
20 concert or participation with Defendant, from engaging in disability discrimination or any other
21 unlawful practice that violates the Arizonans with Disabilities Act;

22 C. Order Defendant to evaluate its compliance with anti-discrimination laws and to
23 take necessary corrective action to ensure compliance with laws prohibiting disability
24 discrimination, including but not limited to, instituting, implementing, and enforcing policies,
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1 practices, and programs that provide equal treatment for all individuals, including those with
2 disabilities, and that eradicate the effects of its present unlawful discriminatory practices;

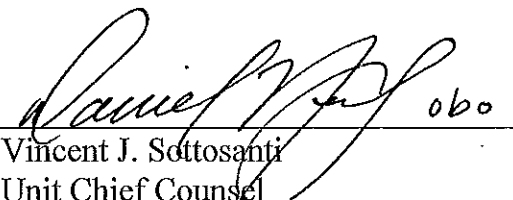
3 D. Order Defendant to provide remedial and additional training to its bartenders,
4 management, and human resources personnel regarding disability discrimination and
5 reasonable accommodations;
6

7 E. Issue an Order authorizing the State to monitor Defendant's compliance with the
8 Arizonans with Disabilities Act;

9 F. Grant such other and further relief as this Court may deem just and proper in the
10 public interest.
11

12 DATED this 25 day of October, 2019.

13 MARK BRNOVICH
14 Attorney General

15
16 By  obo
17 Vincent J. Sottosanti
18 Unit Chief Counsel
19 Arizona Civil Rights Division
20 Attorneys for the State
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