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13 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
14
15 IN AND FOR THE COUNTY OF MARICOPA

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

20 Plaintiff,

21 vs.

22 MESA VILLAGE MOBILE HOME PARK;
23 MESA VILLAGE ASSOCIATES, LLC; CAL-
24 AM PROPERTIES, INC.,

25 Defendants.

No. CV **C20087703**

COMPLAINT
(Non-classified Civil)

JAVIER CHON-LOPEZ

26 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:

1 20. On March 25, 2008, the Mesa Police Department removed Mrs. Boyd from her
2 home at Mesa Village Mobile Home Park because of a family member's concern and she did
3 not return until on or about April 15, 2008.

4 21. On or about March 25, 2008, Mrs. Boyd was admitted to an inpatient facility
5 through Magellan Health Service for psychiatric evaluation.

6 22. On March 25, 2008, Mr. and Mrs. Boyd received a Notice of Termination of
7 Rental Agreement (Material and Irreparable Violation) for immediate termination, which listed
8 the reason for termination as "On March 23, 2008, Ella Loy was observed attempting to break
9 into the home of another tenant. She also threatened the manager with physical harm."

10 23. On March 25, 2008, Defendants filed a Forcible/Special Detainer action against
11 Mr. and Mrs. Boyd in the East Mesa Justice Court.

12 24. Between March 28, 2008 and April 15, 2008, Mrs. Boyd was an inpatient at
13 Maricopa Medical Center for Court Ordered Evaluation and Court Ordered Treatment. Her
14 relevant diagnoses at admission were bipolar mood disorder, type 1, current episode manic with
15 psychosis with a Global Assessment of Functioning (GAF) score of 32.

16 25. Upon information and belief, on March 31, 2008, Elizabeth Short, a Psychiatric
17 Social Worker employed by Maricopa Medical Center faxed a letter to Defendants verifying
18 that Mrs. Boyd was diagnosed with bipolar disorder and that she was hospitalized for her
19 illness.

20 26. On April 1, 2008, Mr. Boyd filed an Answer to the Forcible/Special Detainer
21 action and identified Mrs. Boyd's bipolar disorder as a reason for the Court to dismiss the
22 complaint. He also denied that he had failed to pay rent, committed any material non-
23 compliance of the rental agreement, or committed damage to the property.

24 27. Mr. Boyd's attorney, Stan Silas of Community Legal Services, telephoned
25 Defendants' attorney, Mark Tucker, on April 2, 2008 and informed him of Mrs. Boyd's
26 disability, her admission to Maricopa County Medical Center, and requested that Defendants
dismiss or continue the eviction action as a reasonable accommodation for Mrs. Boyd's
disability.

1 28. Defendants refused to grant an accommodation after the Boyds' request of April
2 2, 2008.

3 29. Defendants failed to request documentation or information regarding Mrs. Boyd's
4 disability prior to denying the request for accommodation.

5 30. Despite notice of Mrs. Boyd's disability, Defendants failed to engage in an
6 interactive process to determine whether a reasonable accommodation would eliminate or
7 acceptably minimize the alleged threat posed by Mrs. Boyd before filing a forcible detainer
8 action against Mr. and Mrs. Boyd.

9 31. On April 3, 2008, after a trial in East Mesa Justice Court, judgment was entered
10 against Mr. and Mrs. Boyd in the forcible detainer action. Mr. and Mrs. Boyd filed a notice of
11 appeal of the eviction.

12 32. Mrs. Boyd was discharged from Maricopa Medical Center on or about April 15,
13 2008 with no psychotic symptoms.

14 33. On April 23, 2008, the East Mesa Justice Court held a hearing on the Boyds'
15 request for a reduced cost bond on appeal. During that hearing, counsel for Mesa Village
16 successfully argued that the Boyds' were not entitled to remain in their residence pending the
17 outcome of the forcible detainer action appeal.

18 34. On April 29, 2008, a writ of restitution was issued and Mr. and Mrs. Boyd were
19 forced to vacate their trailer at Mesa Village Mobile Home Park.

20 35. Upon information and belief, Mr. and Mrs. Boyd were denied the housing of their
21 choice from April 29, 2008 until on or about May 23, 2008, though they paid rent to
22 Defendants during that period.

23 36. Defendants did not make a good faith effort to explore and provide alternative,
24 reasonable accommodation(s) to allow Mr. and Mrs. Boyd to remain in the housing of their
25 choice, did not comply with the AFHA, and intentionally discriminated against or acted in
26 reckless disregard of the protected rights of one or more disabled persons in violation of the
AFHA.

1 C. Order Defendants to undergo training with respect to the duty to provide
2 accommodations under the reasonable accommodation provision of the AFHA.

3 D. Order Defendants to institute and carry out policies and practices that provide
4 equal housing opportunities for disabled persons by granting necessary reasonable
5 accommodations to maintain the housing of their choice.

6 E. Order Defendants to institute and carry out policies and practices that require
7 Defendants to undertake the appropriate assessment of safety risk before threatening eviction of
8 disabled persons, including determining whether a reasonable accommodation would
9 acceptably minimize or eliminate the risk.

10 F. Order Defendants to make Mr. and Mrs. Boyd whole and award them actual and
11 punitive damages in amounts to be determined at trial, including prejudgment interest.

12 G. Issue an order authorizing Plaintiff to monitor Defendants' compliance with the
13 AFHA and this Court's Judgment.

14 H. Award payment to Plaintiff for its costs incurred in bringing this action,
15 including its taxable costs, and its costs in monitoring Defendants' future compliance with the
16 AFHA.
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19 Dated this 3rd day of November, 2008.

20 TERRY GODDARD
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22
23 By  #20305

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