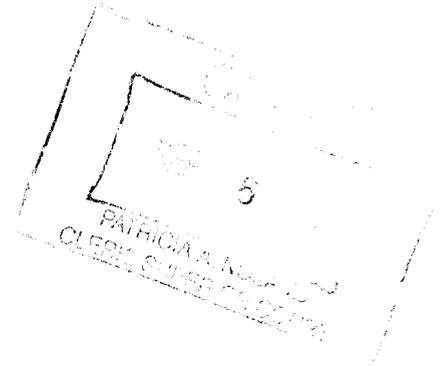


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13 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
14 IN AND FOR THE COUNTY OF PIMA

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

19 Plaintiff,

20 vs.

21 FRED'S ARENA BAR & STEAK HOUSE, a  
22 general partnership; FRED and CAROLYN  
23 LONGFELLOW, as partners in the general  
24 partnership and a married couple,

25 Defendants.

No. **C 20086783**

**COMPLAINT**

(Non-classified Civil)

**STEPHEN VILLARREAL**

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 8. Fred's Arena Bar, Fred Longfellow, and Carolyn Longfellow (when collectively  
2 "Defendants") are legally responsible for the acts or omissions giving rise to this cause of  
3 action and are legally and proximately responsible for damages as alleged pursuant to A.R.S.  
4 § 41-1481.

5 9. At all relevant times, Sinclair was an employee of Fred's Arena Bar within the  
6 meaning of A.R.S. § 41-1461(3).

7 10. At all relevant times, Defendants were employers of Sinclair within the meaning of  
8 A.R.S. § 41-1461(4).

### 9 BACKGROUND

10 11. Sinclair worked as a server/bartender at Fred's Arena Bar from on or about June 19,  
11 2007 to September 13, 2007.

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

13 13. Upon information and belief, Sinclair did not have access to a reliable vehicle to  
14 drive during the time she was employed at Fred's Arena Bar and was dependant upon others to  
15 transport her to and from work.

16 14. On September 13, 2007, Sinclair arrived at Fred's Arena Bar prior to her shift and  
17 spoke to Fred Longfellow about the possibility of purchasing a vehicle. During the course of  
18 that discussion, Fred Longfellow drove them to a trailer on the property. Sinclair believed that  
19 Fred Longfellow had paperwork related to the vehicle in the trailer.

20 15. On September 13, 2007, in a trailer on property owned by Defendants and while  
21 discussing the possible purchase by Sinclair of a vehicle, Fred Longfellow subjected Sinclair to  
22 unwelcome and offensive sexual touching, as well as inappropriate comments and innuendos.

23 16. Sinclair left the trailer and returned to Fred's Arena Bar where she unsuccessfully  
24 tried to call her friend upon whom she relied for a ride home from work.

25 17. Sinclair completed her scheduled shift on September 13, 2007.

26 18. On September 13, 2007, Sinclair reported Fred Longfellow's actions to the Pima  
County Sheriff's Department as an attempted rape.

1 19. Because of Fred Longfellow's conduct on September 13, 2007, Sinclair felt that she  
2 could not return to work due to the hostile, intimidating, and offensive work environment and  
3 felt compelled to resign her employment as she had been constructively discharged. Sinclair  
4 did not return to work at Fred's Arena Bar after completing her September 13, 2007 shift.

5 20. On or about October 24, 2007, Sinclair timely filed a complaint with the State's  
6 Compliance Section, in which Sinclair alleged that she had been the victim of sexual  
7 harassment by Fred Longfellow.

8 21. At the conclusion of its investigation into Sinclair's complaint, the State determined  
9 that there is reasonable cause to believe that Defendants violated the ACRA by subjecting  
10 Sinclair to sex discrimination, in violation of A.R.S. § 41-1463(B)(1).

11 22. The State issued its Cause Findings on or about August 28, 2008, and since that  
12 time, the State, Sinclair, and Fred's Arena Bar have not entered into a Conciliation Agreement.

13  
14 **STATEMENT OF CLAIM**

15 **Count One**

16 **[Discrimination in Violation of the Arizona Civil Rights Act, A.R.S. § 41-**  
17 **1463(B)(1)]**

18 23. The State re-alleges and incorporates by reference the allegations contained in  
19 paragraphs 1 through 22 of this Complaint.

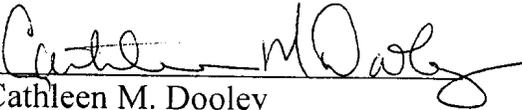
20 24. Under A.R.S. § 41-1463(B)(1), it is an unlawful employment practice for an  
21 employer to discriminate against any individual with respect to their compensation, terms,  
22 conditions, or privileges of employment because of such individual's sex.

23 25. Fred's Arena Bar unlawfully discriminated against Sinclair by subjecting her to  
24 severe conduct that changed the terms and conditions of Ms. Aguilar's employment and created  
25 a hostile work environment because of her sex, female, in violation of A.R.S. § 41-1463(B)(1).  
26



1 DATED this 24<sup>th</sup> day of September, 2008.

2 TERRY GODDARD  
3 Attorney General

4 By   
5 Cathleen M. Dooley  
6 Assistant Attorney General  
7 Civil Rights Division  
8 Attorney for the State

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