

1 Trisha Kirtley (#013905)
2 Kirtley Wells Law Office
3 3800 N. Central Ave. Suite 615
4 Phoenix, AZ 85012
5 Telephone: 602-264-7424
6 Attorney for Plaintiff

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

8 Jacinta Hines,
9
10 Plaintiff Intervener,
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12 v.
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14 Apothecary Shop of Scottsdale,
15 Inc.,d/b/a Apothecary Shops of Arizona;
16 and Apothecary Shop of Gilbert, Inc.,
17
18 Defendants.

Cause No.: CV 06-2324-PHX-ROS

INTERVENER'S COMPLAINT
(Title VII, 42 U.S.C. §§ 1981)
(Jury Trial Demanded)

16 Plaintiff, Jacinta Hines, for her complaint against defendants, alleges as
17 follows:

18 1. This Court has jurisdiction to hear this complaint and to adjudicate the
19 claims stated herein under 28 U.S.C. §§ 451, 1331, 1337, 1343, 1343(4) and 1345 to
20 redress the unlawful deprivation of Plaintiff's rights secured, guaranteed and
21 protected by federal law. The Court also has jurisdiction pursuant to 28 U.S.C. §§
22 2201 and 2207 relating to declaratory judgments.

23 2. The action is brought under the Civil Rights Act of 1871, 42 U.S.C.
24 §§1981, and §§ 704 (a) and 706 (f)(1) and (3) of Title VII of the Civil Rights Act of
25 1964, as amended, 42 U.S.C. §§ 2000e et seq. (Title VII) and §102 of the Civil Rights
26 Act of 1991 and 42 U.S.C. § 1981A.

1 the Civil Rights Act of 1964, by denying her equal terms, conditions and privileges of
2 employment, including but not limited to, discharging Jacinta Hines.

3 23. As a direct and proximate result of Defendants' acts, Jacinta Hines
4 suffered and continues to suffer damages in amounts to be proven at trial, including
5 embarrassment, pain and suffering, mental distress, ordeal, humiliation and emotional
6 distress.

7 **COUNT II**
8 **(42 U.S.C. § 1981 – Race Discrimination)**

9 24. Plaintiff hereby realleges and incorporates all allegations set forth
10 above.

11 25. Section § 1981 provides in pertinent part:

12 (a) Statement of equal rights... All persons... shall
13 have the same right... to make and enforce
14 contracts... and to the full and equal benefit of all
15 laws and proceedings for the security of persons
and property as is enjoyed by White citizens...

16 26. Defendants intentionally discriminated against Jacinta Hines on the
17 account of her race, in violation of 42 U.S.C. § 1981 by denying to her equal terms,
18 privileges and conditions of her employment and the right to contract as well as
19 interfering with her right to contract by terminating her employment.

20 27. As a direct and proximate result of Defendants' conduct, Hines has and
21 continues to suffer damages in amounts to be proven at the time of trial.

22 28. The conduct of Defendants was in reckless disregard and/or callous
23 indifference of Hines' federally protected rights.

24 29. Plaintiff is entitled to punitive damages.
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or participation with them, from engaging in any employment practice which discriminates on the basis of race or sex.

J. Order Defendant Defendants to institute and carry out policies, practices and programs which provide equal employment opportunities for qualified individuals, females and African Americans, which eradicate the effects of its past and present unlawful employment practices.

K. Award Plaintiff her reasonable attorney's fees and costs;

L. Award Plaintiff pre-judgment interest and post-judgment interest; on any awards at the highest rate allowed by law; and

M. Such other and further relief as this Court deems just, appropriate and proper.

DATED this 9th day of October 2007.

KIRTLEY WELLS LAW OFFICE

By /s/Trisha Kirtley
3800 N. Central Avenue, Suite 615
Phoenix, AZ 85012
Attorney for Plaintiff