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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF ARIZONA**

NADIA DRAKE, an unmarried woman,

Plaintiff,

v.

SALT RIVER PIMA-MARICOPA INDIAN  
COMMUNITY, a federally recognized Indian  
Tribe, d/b/a TALKING STICK RESORT  
AND CASINO,

Defendant.

Civil Action No.

**COMPLAINT**

Plaintiff, Nadia Drake, for her cause of action against the Defendant, alleges the following:

**GENERAL ALLEGATIONS**

1. Plaintiff, Nadia Drake was a resident of Maricopa County, Arizona at the time of the incident.
2. Defendant Salt River Pima-Maricopa Indian Community is a federally recognized Indian Tribe doing business in Maricopa County Arizona as Talking Stick Resort and Casino.
3. The acts or omissions complained of occurred within Maricopa County, Arizona.
4. The amount in controversy exceeds the minimal jurisdictional limits of this court.

1           5.     On or about July 20, 2018, Nadia Drake and Ronald Willoughby were to be guests  
2 at Talking Stick Resort and Casino.

3           6.     They booked a room through hotels.com for Friday, July 20, 2018.

4           7.     After checking in, Sarah Garrison, who represented herself to be a supervisor for  
5 the resort, and several other Casino Arizona/Talking Stick Resort employees violated the  
6 Americans with Disability Act (“ADA”) by denying Nadia Drake’s service dog from the  
7 premises and demanded that they leave.  
8

9           8.     Nadia Drake and Ronald Willoughby both provided information to Defendant that  
10 the Service Dog Barkley complied with the ADA and offered to provide proof of his compliance  
11 which was in their bags.  
12

13           9.     Defendant’s employees refused to allow Plaintiff or Mr. Willoughby to retrieve the  
14 proof of Barkley’s service credentials and escalated the confrontation with Plaintiff.  
15

16           10.    Barkley is registered as a Service Dog Service Animal Registry Number  
17 USSAR3888695745. (See attached)

18           11.    Nadia Drake who suffers from severe anxiety, PTSD and severe panic attacks,  
19 began to have a panic attack due to the confrontation initiated and escalated by Defendant’s  
20 employees.  
21

22           12.    Defendant’s employees refused to de-escalate the situation or offer aid to Ms.  
23 Drake.  
24

25           13.    Defendant’s employees refused to allow Nadia Drake to retrieve her bags so she  
26 could take her medication.

1           14. Defendant's employees refused to allow Plaintiff to retrieve their bags to provide  
2 proof of Barkley's service credentials.

3           15. Defendant's employees turned off Ms. Drake's room phone so she couldn't call  
4 911 or for her bags to retrieve her medication.

5           16. Defendant's employees contacted the police to further escalate the situation,  
6 causing further panic to Ms. Drake.

7           17. Finally, Ms. Drake could no longer take the threats of removal and arrest by  
8 Defendant's employees and voluntarily left Talking Stick Resort and Casino.

9           18. As a result of Defendant's actions, Plaintiff suffered damages.

10           **COUNT I- VIOLATION OF THE AMERICANS WITH DISABILITIES ACT ("ADA")**

11           19. Plaintiff hereby incorporates by reference paragraphs 1 through 18 as though fully  
12 set forth herein.

13           20. Nadia Drake filed a complaint with the Civil Rights Division of the United States  
14 Justice Department.

15           21. Under the ADA, all areas of a facility where the public is normally allowed to go  
16 must allow service animals to accompany people with disabilities.

17           22. As a facility that serve the public, Talking Stick Resort and Casino is required to  
18 permit service animals to accompany people with disabilities in all areas of the facility where the  
19 public is normally allowed to go.

20           23. Defendant refused to accept the information that Barkley, Nadia's service dog, was  
21 trained to sense an anxiety/panic attack was about to happen or when one was happening that he  
22  
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25  
26

1 would take specific action to apply pressure to Ms. Drake to calm her to avoid or lessen the  
2 panic/anxiety attack.

3  
4 24. Defendant refused to allow Plaintiffs to retrieve their bags to provide proof of  
5 Barkley's service credentials.

6 25. Ultimately, Defendant forced Plaintiffs to leave Talking Stick Resort and Casino  
7 in violation of the ADA.

8 26. Defendants' employee's negligent actions were within the course and scope of their  
9 employment for Defendants and, as such, fall within the doctrine of *respondeat superior* thereby  
10 making Defendants liable for Defendants' employee's violation of the ADA.

11 27. As a direct and proximate result of Defendants' violation of the ADA, Plaintiffs  
12 suffered a serious panic attack, was forced to incur medical expenses, was humiliated,  
13 embarrassed and shamed for having a disability and may be forced to incur future medical  
14 expenses.

15 28. As a further direct and proximate result of Defendants' violation of the ADA,  
16 Plaintiffs endured mental and emotional upset to her life and day-to-day activities, as well as loss  
17 of income.

18 29. As a result of Defendant's violation of the ADA, Plaintiff suffered damages to be  
19 determined at trial.

20  
21  
22  
23 **COUNT TWO- INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

24 30. Plaintiff alleges and incorporates by reference each and every allegation contained  
25 in Paragraphs 1 through 29 of the Complaint as if fully set forth herein.  
26

1           31. Defendant's act of rejecting her service dog, refusing to permit her to provide  
2 proof and escalating a confrontation with her, knowing she suffered from a disability was  
3 intentional or reckless and extreme and outrageous act that has caused Plaintiff to suffer severe  
4 emotional distress and possible bodily harm.

5  
6           32. As a result of Defendant's intentional or reckless, extreme and outrageous conduct,  
7 Plaintiff is entitled to monetary damages.

8  
9           **COUNT THREE- NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

10           33. Plaintiffs allege and incorporate by reference each and every allegation contained  
11 in Paragraphs 1 through 32 of the Complaint as if fully set forth herein.

12           34. Defendant's act of rejecting her service dog, refusing to permit her to provide  
13 proof and escalating a confrontation with her, knowing she suffered from a disability was  
14 negligent and extreme and an outrageous act that has caused Plaintiff to suffer severe emotional  
15 distress and potential bodily harm.

16  
17           35. As a result of Defendant's negligent, extreme and outrageous conduct, Plaintiff is  
18 entitled to damages.

19  
20           **COUNT FOUR- PUNITIVE DAMAGES**

21           36. Plaintiff alleges and incorporates by reference each and every allegation contained  
22 in Paragraphs 1 through 35 of the Complaint as if fully set forth herein.

23           37. Defendant's conduct of threatening to remove her and her service dog by use of  
24 force and with police, was done with the intent to cause injury and damage to Plaintiff.

25  
26           38. Defendant was motivated by spite and/or ill will.

1           39. Defendant acted to serve their own interests, having reason to know and  
2 consciously disregarding a substantial risk that their conduct might significantly injure the rights  
3 of Plaintiff.  
4

5           40. Defendant consciously pursued a course of conduct knowing that it created a  
6 substantial risk of significant harm to Plaintiff.

7           41. As a result of Defendant's conduct, and in order to punish and/or deter others from  
8 similar conduct in the future, Defendant is liable for punitive damages to Plaintiff.  
9

10           **WHEREFORE**, Plaintiff prays for judgment against Defendant for such sum of money  
11 within the jurisdiction of the Court and for full and complete compensation, for general and  
12 special damages, for the losses that Plaintiff has sustained in this matter, and for such other and  
13 further relief as the Court or jury may deem just and proper in this matter.  
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15           DATED this 8<sup>th</sup> day of May, 2019

16           **THE COLLINS LAW FIRM, PLLC**

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18 Ernest Collins, Jr.  
19 Attorney for Plaintiff  
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