AWERKAMP & BONILLA, PLC		
Tucson, AZ 85704-4287		
da@abdilaw.com		
shannon Giles (SBN 018786) sg@abdilaw.com		
Attorneys for Plaintiffs		
IN THE UNITED STATI	ES DISTRICT COURT	
FOR THE DISTRICT OF ARIZONA		
John Guido and Dennis Rankin,	Case No.	
Plaintiffs,	COMPLAINT	
vs.		
Mount Lemmon Fire District, (Jury Trial Requested)		
Defendant		
For their complaint, Plaintiffs, John Gu	do and Dennis Rankin, allege as follows:	
NATURE OF THE CASE		
1. In this action, Plaintiffs seek damages arising from being terminated from		
their employment on the basis of their ages in violation of the Federal Age Discrimination		
in Employment Act, 29 U.S.C. § 623 et seq.		
JURISDICTI	ON AND VENUE	
2. This Court has original Federal c	uestion subject matter jurisdiction pursuant	
to 29 U.S.C. § 626.		
3. Venue is proper in this District p	ursuant to 28 U.S.C. § 1391(b) because the	
acts complained of occurred in Pima County, A	Arizona.	
	6891 N. Oracle Rd., Suite 155 Tucson, AZ 85704-4287 (520) 798-5282 Don Awerkamp (SBN 007572) da@abdilaw.com Shannon Giles (SBN 018786) sg@abdilaw.com Attorneys for Plaintiffs IN THE UNITED STATE FOR THE DISTRIC John Guido and Dennis Rankin, Plaintiffs, vs. Mount Lemmon Fire District, Defendant. For their complaint, Plaintiffs, John Gui <u>NATURE (</u> 1. In this action, Plaintiffs seek dam their employment on the basis of their ages in v in Employment Act, 29 U.S.C. § 623 et seq. <u>JURISDICTIO</u> 2. This Court has original Federal q to 29 U.S.C. § 626.	

1	4.	Plaintiffs, John Guido and Dennis Rankin, each filed a timely Charge of	
2	Discrimination with the U.S. Equal Employment Opportunity Commission ("EEOC")		
3	alleging disc	rimination on the basis of their respective ages.	
4	5.	On October 5, 2012, the EEOC issued separate Determinations that there is	
5	reasonable c	ause to believe that Defendant, Mount Lemmon Fire District ("MLFD"),	
6	violated the Age Discrimination in Employment Act of 1967 (the "ADEA") when it		
7	discharged Mr. Guido and Mr. Rankin due to their respective ages.		
8	6.	On January 30, 2013, the EEOC issued separate Notices of Right to Sue	
9	within ninety	y (90) days of receipt to Mr. Guido and Mr. Rankin.	
10		PARTIES	
11	7.	Plaintiff John Guido is, and at all relevant times has been, a resident of the	
12	State of Arizona.		
13	8.	Plaintiff Dennis Rankin is, and at all relevant times has been, a resident of	
14	the State of Arizona.		
15	9.	Defendant MLFD, employed Mr. Guido and Mr. Rankin in Pima County,	
16	Arizona.		
17		STATEMENT OF FACTS	
18	10.	On or about January of 2000, MLFD hired Mr. Guido as a Reserve	
19	Firefighter/E	EMT.	
20	11.	In March of 2003, Mr. Guido attended the Wildland Fire Academy in	
21	Prescott, and	l became one of two Wildland Engine Bosses.	
22	12.	Mr. Guido attended paramedic school from September 2003 to June 2004	
23	and upon co	mpleting that education, became one of only two paramedics at the MLFD.	
24	13.	In the fall of 2005, Mr. Guido was promoted to the rank of Captain and was	
25	placed in cha	arge of the weekend shift.	
26			

1	14. Mr. Guido holds Associates Degrees in Fire Science and Emergency		
2	Medical Technology, worked as a firefighter in the military, was the only person in		
3	MLFD qualified and nationally certified in reviewing building plans, and holds the		
4	qualifications of Fire Inspector and Senior Fire Inspector.		
5	15. Mr. Guido's last performance evaluation was in February of 2006 and he		
6	was rated as excellent in ten areas and above average in the thirteen others. Mr. Guido		
7	never had any negative feedback regarding his work.		
8	16. In November of 2000, MLFD hired Mr. Rankin as a Reserve		
9	Firefighter/EMT. Mr. Rankin has been an EMT since 1972.		
10	17. Mr. Rankin graduated from Pima Community College Public Safety		
11	Academy with a certificate from the Arizona State Fire Marshall.		
12	18. Mr. Rankin has worked in Public Safety since 1973, including working as		
13	an arson investigator, working on the Pima County Hazardous Materials Team, working		
14	as a firefighter with Rural Metro Fire Department and South Tucson Fire Department, and		
15	working on an Ambulance with Rural Metro/Southwest.		
16	19. In May of 2002, Mr. Rankin was assigned to liaison with other agencies at		
17	the Emergency Operations Center at the Pima County Sheriff Rincon Substation and was		
18	the public relations person for MLFD.		
19	20. In January of 2005, Mr. Ranking became Acting Captain and was placed in		
20	charge of C-shift.		
21	21. In the fall of 2005, Mr. Rankin was promoted to the rank of Captain.		
22	22. Mr. Rankin's performance evaluations were always "meets or exceeds		
23	standards" in all categories. Mr. Rankin has never had any negative feedback regarding		
24	his work.		
25			
26			
	2		

-3-

1	23.	On March 26, 2009, Fire Chief Dean Barnella released a memorandum		
2	about Budget Reduction which stated that paramedics would have priority to be retained			
3	in the event of personnel reductions.			
4	24.	On March 27, 2009, Chief Barnella told a co-worker of Mr. Guido and Mr.		
5	Rankin that	this co-worker was being selected for layoff because of his DUI conviction		
6	and inability to drive response vehicles.			
7	25.	On June 15, 2009, Mr. Guido and Mr. Rankin were told that they were being		
8	laid off.			
9	26.	At the time of their layoff, Mr. Guido was forty-five years old and Mr.		
10	Rankin was fifty years old.			
11	27.	At the time Mr. Guido and Mr. Rankin were laid off, Fire Chief Barnella		
12	was in his 30's.			
13	28.	At the time of their layoff, Mr. Guido and Mr. Rankin were the two oldest		
14	full-time employees in MLFD.			
15	29.	At the time of their layoff, Mr. Guido and Mr. Rankin were two of the three		
16	Captains in MLFD, and the other Captain, Joe Gunia, was 33 years of age and was not a			
17	paramedic.			
18	30.	Two firefighters, who were approximately 30 years of age and who were not		
19	paramedics, were promoted to Acting Captain positions after Mr. Guido and Mr. Rankin			
20	were laid off	f.		
21	31.	As of July 28, 2009, other than Mr. Cuestas, Mr. Guido and Mr. Rankin, no		
22	other MLFD	firefighters had been laid off.		
23		CAUSE OF ACTION		
24	32.	Mr. Guido and Mr. Harris each have a cause of action under 29 U.S.C. §		
25	621 et seq.			
26				
		Δ		

-4-

1	33. MLFD discriminated against Mr. Guido and Mr. Rankin because of their		
2	age in violation of the ADEA.		
3	34. The stated reasons for MLFD's conduct are not the true reasons, but instead,		
4	were a pretext to hide MLFD's discriminatory conduct.		
5	35. MLFD's actions were deliberate, willful and in reckless disregard for Mr.		
6	Guido's and Mr. Rankin's rights.		
7	36. As a direct result of the conduct of MLFD, Mr. Guido and Mr. Rankin have		
8	suffered, and will continue to suffer, lost income and diminished earning capacity.		
9	REQUEST FOR JURY		
10	37. Plaintiffs request a trial by jury to the fullest extent permitted by law.		
11	<u>RELIEF SOUGHT</u>		
12	WHEREFORE, Plaintiffs John Guido and Dennis Rankin, each request judgment		
13	in their favor against Defendant, Mount Lemmon Fire District, awarding each of them the		
14	following:		
15	a. Compensatory damages for lost income and diminished earning capacity;		
16	b. Liquidated damages;		
17	c. Attorneys' fees and costs incurred in this lawsuit; and		
18	d. Any other equitable relief this Court deems just and appropriate.		
19	RESPECTFULLY SUBMITTED this 1 st day of April, 2013.		
20	AWERKAMP & BONILLA, PLC		
21			
22	By <u>/s/ Don Awerkamp</u>		
23	Don Awerkamp Shannon Giles		
24	Attorneys for Plaintiffs		
25			
26			