

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

Index No.:

-----X
LASTENIA AMPARO TORRES,
Plaintiff,

-against-

VITTORIA CORPORATION, VITTORIA CORPORATION D/B/A HARRY CIPRIANI,
HARRY CIPRIANI RESTAURANT SERVICES, INC., HARRY CIPRIANI, INC.,
CIPRIANI GROUP, INC., CIPRIANI FIFTH AVENUE, LLC, DOWNTOWN
RESTAURANT COMPANY, LLC, DOWNTOWN RESTAURANT CORP., ARRIGO
CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA,
CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES,
FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE
RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD &
WILLIAM PAZMINO.

SUMMONS AND VERIFIED COMPLAINT

THE LAW OFFICES OF C. LAURIE BIZZARRO

Attorneys for Plaintiff(s)

LASTENIA AMPARO TORRES

100 Marine Avenue, Suite 6G

Brooklyn, New York 11209

(718) 833-8246

Our File No. 4193-G&S

TO: VITTORIA CORPORATION; 781 5th Avenue, New York, NY 10022-1012
VITTORIA CORPORATION D/B/A HARRY CIPRIANI; 781 5th Avenue, New York, NY 10022-1012
HARRY CIPRIANI RESTAURANT SERVICES, INC.; 1345 Avenue of the Americas, STE 3616, New York, NY 10105-0302
HARRY CIPRIANI, INC.; 1345 Avenue of the Americas, STE 3616, New York, NY 10105-0302
CIPRIANI GROUP, INC.; 110 East 42nd Street, New York, NY 10017
CIPRIANI FIFTH AVENUE, LLC; 781 5th Avenue, New York, NY 10022-1012
DOWNTOWN RESTAURANT COMPANY, LLC; 376 W. Broadway, New York, NY 10012
DOWNTOWN RESTAURANT CORP.; 1345 Avenue of the Americas, New York, NY 10105-0302
ARRIGO CIPRIANI; 781 5th Avenue, New York, NY 10022-1012
GIUSEPPE CIPRIANI; 781 5th Avenue, New York, NY 10022-1012
HASSAN ELGARRAHY; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012
SERGIO VACA; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012
CARLOS MARIANI; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012
RICCARDO (AKA RICARDO) FLORES; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012
RAFAEL MORALES; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012
FERNANDO SALVATIERRA; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012
LEONE PASSERINI; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012
ALDO ELKASHASH; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012
JORGE RAMIREZ; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012
GARY (AKA GINTEAN SARACHI); HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012
SAM ELMOHAMADI JAD; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012
WILLIAM PAZMINO; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012

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TO:

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VITTORIA CORPORATION D/B/A HARRY CIPRIANI; 781 5th Avenue, New York, NY 10022-1012

HARRY CIPRIANI RESTAURANT SERVICES, INC.; 1345 Avenue of the Americas, STE 3616, New York, NY 10105-0302

HARRY CIPRIANI, INC; 1345 Avenue of the Americas, STE 3616, New York, NY 10105-0302

CIPRIANI GROUP, INC.; 110 East 42nd Street, New York, NY 10017

CIPRIANI FIFTH AVENUE, LLC; 781 5th Avenue, New York, NY 10022-1012

DOWNTOWN RESTAURANT COMPANY, LLC; 376 W. Broadway, New York, NY 10012

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LEONE PASSERINI; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012

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GARY (AKA GINTEAN SARACHI); HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012

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WILLIAM PAZMINO; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue, New York, NY 10022-1012

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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LASTENIA AMPARO TORRES,
Plaintiff,

-against-

VITTORIA CORPORATION, VITTORIA
CORPORATION D/B/A HARRY CIPRIANI, HARRY
CIPRIANI RESTAURANT SERVICES, INC., HARRY
CIPRIANI, INC., CIPRIANI GROUP, INC., CIPRIANI
FIFTH AVENUE, LLC, DOWNTOWN
RESTAURANT COMPANY, LLC, DOWNTOWN
RESTAURANT CORP., ARRIGO CIPRIANI,
GIUSEPPE CIPRIANI, HASSAN ELGARRAHY,
SERGIO VACA, CARLOS MARIANI, RICCARDO
(AKA RICARDO) FLORES, RAFAEL MORALES,
FERNANDO SALVATIERRA, LEONE PASSERINI,
ALDO ELKASHASH, JORGE RAMIREZ, GARY
(AKA GINTEAN SARACHI), SAM ELMOHAMADI
JAD & WILLIAM PAZMINO.

Defendants.
-----X

Index No.:

**VERIFIED
COMPLAINT**

07114667

FILED
NOV - 1 2007
NEW YORK
COUNTY CLERK'S OFFICE

Plaintiff LASTENIA AMPARO TORRES, by her attorney, C. LAURIE

BIZZARRO, complaining of the Defendants VITTORIA CORPORATION, VITTORIA
CORPORATION D/B/A HARRY CIPRIANI, HARRY CIPRIANI RESTAURANT
SERVICES, INC., HARRY CIPRIANI, INC., CIPRIANI GROUP, INC., CIPRIANI
FIFTH AVENUE, LLC, DOWNTOWN RESTAURANT COMPANY, LLC,
DOWNTOWN RESTAURANT CORP., ARRIGO CIPRIANI, GIUSEPPE CIPRIANI,
HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA
RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE
PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN
SARACHI), SAM ELMOHAMADI JAD and WILLIAM PAZMINO, respectfully

alleges, upon information and belief, as follows:

INTRODUCTION

1. This is an action for damages against the Defendant(s) to redress the deprivation of rights secured to Plaintiff under New York Labor Law § 190 *et seq.* and § 194, New York State Executive Law § 290 *et seq.* and § 296 and § 297, Administrative Code of the City of New York, Title VIII § 8-101, 8-102 and 8-107 as and for the hostile work environment, disparate treatment, unlawful discrimination of the Plaintiff by the Defendant(s) on the basis of sex and retaliation against the Plaintiff by the Defendant(s).

VENUE

2. Defendant VITTORIA CORPORATION resides at 781 5th Avenue, New York, NY 10022-1012 which lies in the County of New York, State of New York.

3. The unlawful employment practices alleged below were committed within and the cause of action alleged herein arose at the HARRY CIPRIANI restaurant located in the Sherry-Netherland Hotel (Hereinafter "SHERRY NETHERLAND CIPRIANI") located at 781 5th Avenue, New York, NY 10022-1012 in the County of New York, State of New York. Accordingly, venue lies in the County of New York, State of New York.

THE PARTIES

4. That at all times hereinafter mentioned, LASTENIA AMPARO TORRES (the Plaintiff) is a Hispanic female who is a resident of the State of New Jersey and resides at 1136 Salem Avenue, Hillside, NJ 07205.

5. That this action falls within one or more of the exemptions set forth in CPLR §1602.

6. That at all times hereinafter mentioned, Defendant VITTORIA CORPORATION was and still is a resident of the County of New York, State of New York.
7. Upon information and belief, and at all times hereinafter mentioned, the address of defendant VITTORIA CORPORATION is 781 5th Avenue, New York, NY 10022-1012.
8. That at all times hereinafter mentioned, defendant VITTORIA CORPORATION was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
9. That at all times hereinafter mentioned, defendant VITTORIA CORPORATION was and still is a foreign corporation duly authorized to do business in the State of New York.
10. That at all times hereinafter mentioned, defendant VITTORIA CORPORATION maintained a principal place of business in the County of New York, State of New York.
11. That at all times hereinafter mentioned defendant VITTORIA CORPORATION D/B/A HARRY CIPRIANI was and still is a resident of the state of New York
12. Upon information and belief, and at all times hereinafter mentioned, the address of defendants VITTORIA CORPORATION D/B/A HARRY CIPRIANI is 781 5th Avenue, New York, NY 10022-1012
13. That at all times hereinafter mentioned, defendant VITTORIA CORPORATION D/B/A HARRY CIPRIANI was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
14. That at all times hereinafter mentioned, defendant VITTORIA CORPORATION D/B/A HARRY CIPRIANI was and still is a foreign corporation duly authorized to do

business in the State of New York.

15. That at all times hereinafter mentioned, defendant VITTORIA CORPORATION D/B/A HARRY CIPRIANI maintained a principal place of business in the County of new York, State of New York.

16. That at all times hereinafter mentioned defendant HARRY CIPRIANI RESTAURANT SERVICES, INC. was and still is a resident of the state of New York

17. Upon information and belief, and at all times hereinafter mentioned, the address of defendant HARRY CIPRIANI RESTAURANT SERVICES, INC. is 1345 Avenue of the Americas, STE 3616, New York, NY 10105-0302

18. That at all times hereinafter mentioned, defendant HARRY CIPRIANI RESTAURANT SERVICES, INC. was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

19. That at all times hereinafter mentioned, defendant HARRY CIPRIANI RESTAURANT SERVICES, INC. was and still is a foreign corporation duly authorized to do business in the State of New York.

20. That at all times hereinafter mentioned, defendant HARRY CIPRIANI RESTAURANT SERVICES, INC. maintained a principal place of business in the County of New York, State of New York.

21. That at all times hereinafter mentioned defendant HARRY CIPRIANI, INC; was and still is a resident of the state of New York

22. Upon information and belief, and at all times hereinafter mentioned, the address of defendants HARRY CIPRIANI, INC. is 1345 Avenue of the Americas, STE 3616, New York, NY 10105-0302

23. That at all times hereinafter mentioned, defendant HARRY CIPRIANI, INC. was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

24. That at all times hereinafter mentioned, defendant HARRY CIPRIANI, INC. was and still is a foreign corporation duly authorized to do business in the State of New York.

25. That at all times hereinafter mentioned, defendant HARRY CIPRIANI, INC. maintained a principal place of business in the County of New York, State of New York.

26. That at all times hereinafter mentioned defendant CIPRIANI GROUP, INC. was and still is a resident of the state of New York

27. Upon information and belief, and at all times hereinafter mentioned, the address of defendants CIPRIANI GROUP, INC. is 110 East 42nd Street, New York, NY 10017.

28. That at all times hereinafter mentioned, defendant CIPRIANI GROUP, INC. was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

29. That at all times hereinafter mentioned, defendant CIPRIANI GROUP, INC was and still is a foreign corporation duly authorized to do business in the State of New York.

30. That at all times hereinafter mentioned, defendant CIPRIANI GROUP, INC. maintained a principal place of business in the County of New York, State of New York.

31. That at all times hereinafter mentioned defendant CIPRIANI FIFTH AVENUE, LLC was and still is a resident of the state of New York

32. Upon information and belief, and at all times hereinafter mentioned, the address of defendants CIPRIANI FIFTH AVENUE, LLC is 781 5th Avenue, New York, NY 10022-1012.

33. That at all times hereinafter mentioned, defendant CIPRIANI FIFTH AVENUE, LLC was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

34. That at all times hereinafter mentioned, defendant CIPRIANI FIFTH AVENUE, LLC was and still is a foreign corporation duly authorized to do business in the State of New York.

35. That at all times hereinafter mentioned, defendant CIPRIANI FIFTH AVENUE, LLC maintained a principal place of business in the County of New York, State of New York.

36. That at all times hereinafter mentioned defendant DOWNTOWN RESTAURANT COMPANY, LLC was and still is a resident of the state of New York.

37. Upon information and belief, and at all times hereinafter mentioned, the address of defendants DOWNTOWN RESTAURANT COMPANY, LLC is 376 W. Broadway, New York, NY 10012.

38. That at all times hereinafter mentioned, defendant DOWNTOWN RESTAURANT COMPANY, LLC was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

39. That at all times hereinafter mentioned, defendant DOWNTOWN RESTAURANT COMPANY, LLC was and still is a foreign corporation duly authorized to do business in the State of New York.

40. That at all times hereinafter mentioned, defendant DOWNTOWN RESTAURANT COMPANY, LLC maintained a principal place of business in the

County of New York, State of New York.

41. That at all times hereinafter mentioned defendant DOWNTOWN RESTAURANT CORP. was and still is a resident of the state of New York.

42. Upon information and belief, and at all times hereinafter mentioned, the address of defendant DOWNTOWN RESTAURANT CORP. is 1345 Avenue of the Americas, New York, NY 10105-0302.

43. That at all times hereinafter mentioned, defendant DOWNTOWN RESTAURANT CORP. was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

44. That at all times hereinafter mentioned, defendant DOWNTOWN RESTAURANT CORP. was and still is a foreign corporation duly authorized to do business in the State of New York.

45. That at all times hereinafter mentioned, defendant DOWNTOWN RESTAURANT CORP. maintained a principal place of business in the County of New York, State of New York.

46. That at all times hereinafter mentioned, SHERRY NETHERLAND CIPRIANI and it's employees, managers, agents and officers were operated by and/or under the auspices of, controlled and owned by Defendants VITTORIA CORPORATION, VITTORIA CORPORATION D/B/A HARRY CIPRIANI, HARRY CIPRIANI RESTAURANT SERVICES, INC., HARRY CIPRIANI, INC., CIPRIANI GROUP, INC., CIPRIANI FIFTH AVENUE, LLC, DOWNTOWN RESTAURANT COMPANY, LLC and/or DOWNTOWN RESTAURANT CORP.

47. Defendants "VITTORIA CORPORATION, VITTORIA CORPORATION D/B/A

HARRY CIPRIANI, HARRY CIPRIANI RESTAURANT SERVICES, INC., HARRY CIPRIANI, INC., CIPRIANI GROUP, INC., CIPRIANI FIFTH AVENUE, LLC, DOWNTOWN RESTAURANT COMPANY, LLC and/or DOWNTOWN RESTAURANT CORP.” will, for purposes of brevity only, be referred to hereinafter as the “CORPORATE DEFENDANTS.”

48. That at all times hereinafter mentioned, upon information and belief, defendants ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO were residents of the State of New York and employees of any and all of the CORPORATE DEFENDANTS and physically worked at the SHERRY NETHERLAND CIPRIANI .

49. The Defendant, ARRIGO CIPRIANI, is and was during all of the relevant time periods set forth in this Complaint, the employee of any and all of the CORPORATE DEFENDANTS and as the chairman and/or Chief Executive Officer of any and all of the CORPORATE DEFENDANTS was the immediate supervisor of the Plaintiff and exercised power and control over Plaintiff’s employment at the SHERRY NETHERLAND CIPRIANI.

50. The Defendant, GIUSEPPE CIPRIANI , is and was during all of the relevant time periods set forth in this Complaint, the employee of any and all of the CORPORATE DEFENDANTS and as the President and/or Managing Member of any and all of the CORPORATE DEFENDANTS was the immediate supervisor of the Plaintiff and

exercised power and control over Plaintiff's employment at the SHERRY NETHERLAND CIPRIANI.

51. The Defendant, HASSAN ELGARRAHY, is and was during all of the relevant time periods set forth in this Complaint, the employee of any and all of the CORPORATE DEFENDANTS and as the Senior General Manager of any and all of the CORPORATE DEFENDANTS was the immediate supervisor of the Plaintiff and exercised power and control over Plaintiff's employment at the SHERRY NETHERLAND CIPRIANI. Upon information and belief, HASSAN ELGARRAHY was hired by and was under the direct supervision of defendants ARRIGO CIPRIANI and/or GIUSSEPPE CIPRIANI.

52. The Defendant, SERGIO VACA, is and was during all of the relevant time periods set forth in this Complaint, the employee of any and all of the CORPORATE DEFENDANTS and as the Assistant Manager/Maitre'D of any and all of the CORPORATE DEFENDANTS was the immediate supervisor of the Plaintiff and exercised power and control over Plaintiff's employment at the SHERRY NETHERLAND CIPRIANI. Upon information and belief, SERGIO VACA was hired by and was under the direct supervision of defendants ARRIGO CIPRIANI, GIUSSEPPE CIPRIANI and/or HASSAN ELGARRAHY.

53. The Defendant, CARLOS MARIANI, is and was during all of the relevant time periods from April 2007 to October 2007 set forth in this Complaint, the employee of any and all of the CORPORATE DEFENDANTS and as the Acting Assistant Manager/Maitre'D of any and all of the CORPORATE DEFENDANTS was the immediate supervisor of the Plaintiff and exercised power and control over Plaintiff's employment at the SHERRY NETHERLAND CIPRIANI. Upon information and belief,

CARLOS MARIANI, was hired by and was under the direct supervision of defendants ARRIGO CIPRIANI, GIUSSEPPE CIPRIANI and/or HASSAN ELGARRAHY.

54. The Defendants, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, LEONE PASSERINI and FERNANDO SALVATIERRA , were and are during all of the relevant time periods from on or about February 2000 to June 2005 set forth in this Complaint, the employees of any and all of the CORPORATE DEFENDANTS and as the Captains of any and all of the CORPORATE DEFENDANTS were the immediate supervisors of the Plaintiff and exercised power and control over Plaintiff's employment at the SHERRY NETHERLAND CIPRIANI.. Upon information and belief RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, LEONE PASSERINI and FERNANDO SALVATIERRA were hired by and were under the direct supervision of defendants ARRIGO CIPRIANI, GIUSSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA and/or CARLOS MARIANI.

55. That at all times hereinafter mentioned defendants ALDO ELKASHASH AND JORGE RAMIREZ and from April 2007 to October 2007 RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, LEONE PASSERINI and FERNANDO SALVATIERRA were employed by any and all of the CORPORATE DEFENDANTS as servers of the SHERRY NETHERLAND CIPRIANI and upon information and belief were hired by and were under the direct supervision of defendants ARRIGO CIPRIANI, GIUSSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, LEONE PASSERINI and/or FERNANDO SALVATIERRA.

56. That at all times hereinafter mentioned, defendants GARY SARACI, SAM

ELMOHAMADI JAD and WILLIAM PAZMINO were employed by any and all of the CORPORATE DEFENDANTS as bus persons at the SHERRY NETHERLAND CIPRIANI and upon information and belief were hired by and were under the direct supervision of defendants ARRIGO CIPRIANI, GIUSSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, LEONE PASSERINI and/or FERNANDO SALVATIERRA.

57. The defendants, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO during all of the relevant time periods set forth in this Complaint given express authority by defendants ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA and CARLOS MARIANI to supervise and critique plaintiff's work at the SHERRY NETHERLANDS CIPRIANI and therefore were the supervisors of the Plaintiff and exercised power and control over Plaintiff's employment.

58. Upon information and belief, at all times herein mentioned, defendants ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO were employees of any and all of the CORPORATE DEFENDANTS and are being sued herein, in their individual capacity, as an Aider and

Abettor under New York State Executive Law § 296 and § 297 and this Court therefore has jurisdiction over these individuals.

NATURE OF CLAIM

59. This is an action for damages against the Defendant(s) to redress the deprivation of rights secured to Plaintiff under New York Labor Law § 190 *et seq.* and § 194, New York State Executive Law § 290 *et seq.* and § 296 and § 297, Administrative Code of the City of New York Title VIII, § 8-101, 8-102 and 8-107 as and for the hostile work environment, disparate treatment, unlawful discrimination of the Plaintiff by the Defendant(s) on the basis of sex and retaliation against the Plaintiff by the Defendant(s).

60. The Plaintiff seeks damages for back pay, front pay and for other benefits for emotional distress and compensatory and punitive damages for mental anguish under New York Labor Law § 190 *et seq.*, New York Executive Law Section § 290 *et seq.*, and Administrative Code of the City of New York, Title VIII; and for attorneys' fees, costs and experts' fees for this action in an amount to be determined by the trial court.

61. The Plaintiff seeks damages for back pay, front pay and for other benefits for negligent infliction of emotional distress, negligence, recklessness and carelessness, negligent supervision and respondent superior, and for attorneys' fees, costs and experts' fees for this action in an amount to be determined by the trial court.

STATEMENT OF FACTS

62. LASTENIA AMPARO TORRES (the "Plaintiff") is female.

63. Plaintiff was born in Columbia, has been a resident of the United States since 1987 and is a United States citizen.

64. On or about February 2000 Plaintiff was hired by any and all of the

CORPORATE DEFENDANTS, ARRIGO CIPRIANI and GUISEPPE CIPRIANI to work as a server (aka waiter) at the SHERRY NETHERLAND CIPRIANI, a restaurant owned and operated by defendants located in the Sherry Netherland Hotel at 781 5th Avenue, New York, NY 10022-1012. As of October 2007 she continues to work as a server at the SHERRY NETHERLAND CIPRIANI

65. Upon information and belief, commencing on or about February 2000, when Plaintiff began working for any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI and GUISEPPE CIPRIANI, and continuing to on or about October 2007, Plaintiff experienced a hostile work environment, disparate treatment, unequal compensation based on gender, unlawful discrimination based on her sex and retaliation for complaints she had made concerning same, from the male employees and supervisors at SHERRY NETHERLAND CIPRIANI. These male employees and supervisors included but were not limited to defendants HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO who were employed by any and all of the CORPORATE DEFENDANTS.

66. Throughout the course of her employment at SHERRY NETHERLAND CIPRIANI, commencing on or about February 2000 and continuing to October 2007, Plaintiff was subjected to a hostile work environment because she is female. Almost from the inception of her employment at the SHERRY NETHERLAND CIPRIANI and until October 2007, Plaintiff was continually harassed by male employees

and supervisors at SHERRY NETHERLAND CIPRIANI. These male employees and supervisors included but were not limited to defendants HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO.

67. Upon information and belief, at all times mentioned herein, the above referenced harassment Plaintiff experienced while working at the SHERRY NETHERLAND CIPRIANI was severe, pervasive, unfair, discriminatory, disruptive to the Plaintiff's work performance, based solely on her sex and caused her great emotional distress, as set forth below.

68. Upon information and belief, at all times mentioned herein, the harassment Plaintiff experienced while working at the SHERRY NETHERLAND CIPRIANI did not only effect Plaintiff as an individual, but was so pervasive it became part of the culture of the work environment and effected all female captains, servers, bus persons and other female staff who worked at SHERRY NETHERLAND CIPRIANI.

69. Upon information and belief, at all times mentioned herein, the hostile and discriminatory work environment Plaintiff experienced while working at the SHERRY NETHERLAND CIPRIANI was evidenced through severe and pervasive, hostile, offensive and intentionally abusive conduct perpetrated and/ or encouraged by the male bus persons, servers, captains and managers who were working at SHERRY NETHERLAND CIPRIANI during the course of Plaintiff's employment and who were employed by any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI and

GUISEPPE CIPRIANI.

70. Upon information and belief, at all times mentioned herein, the acts of the Defendants, included but were not limited to verbal abuse disparaging her gender, gender specific name calling, derogatory comment about females, comments indicating a general hostility toward women and women in the workplace and intimidation tactics directed at Plaintiff because of her gender.

71. Commencing on or about February 2000 and continuing until October 2007 the male bus persons, servers, captains and managers who were working at SHERRY NETHERLAND CIPRIANI created an intimidating, hostile and offensive work environment for the Plaintiff by subjecting her to continuous, unwelcome, inappropriate, offensive, degrading and non-business related comments.

72. Upon information and belief, at all times mentioned herein, the above named defendants would constantly during their mutual shifts with Plaintiff, engage in humiliating, dehumanizing, unwelcome, sexually charged and offensive gender specific repeated name calling of Plaintiff.

73. This behavior extended from on or about February 2000, the day Plaintiff began her work at SHERRY NETHERLAND CIPRIANI until October 2007. For example, the individually named defendants, would consistently call Plaintiff names that included, but were not limited to the following: "brute", "stupid" and "dumb Indian."

74. Commencing on or about February 2000, and continuing until October 2007 the individually named defendants would consistently make comments to Plaintiff that were derogatory to women indicating a resentment at having to share work with females and indicating a belief that females were not welcome to work at the SHERRY

NETHERLAND CIPRIANI. These comments included, but were not limited to the following: That as a woman, she was "only good for bed"; That (Plaintiff) should "stay home like a woman should"; That "women didn't deserve to work there" and that Plaintiff should "work someplace else." That women were "only good to take care of kids, for home and for sex"; and that that the customers did not want to be served by women.

75. Upon information and belief, at all times mentioned herein, as a result of the above indicated harassment Plaintiff received from defendants Plaintiff felt degraded, humiliated and nervous. Plaintiff even became physically ill at times and sought medical attention for her ailments related after experiencing the abuse.

76. Upon information and belief, at all times mentioned herein, this gender specific, hostile and degrading name calling and verbal abuse was perpetrated against all female employees, including Plaintiff, who worked at SHERRY NETHERLAND CIPRIANI from on or about February 2000 until October 2007 and was at all times perpetrated and encouraged by all named defendants namely HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO.

77. Upon information and belief, the above behavior of Defendants was constant and consistent at all times mentioned herein and continues to date. For example, on or about August 2007 the above named individual defendants made fun of a female employee at the SHERRY NETHERLAND CIPRIANI, saying "they didn't know if she was a man or

a woman because she acts strong.” and made fun of another female employee’s demeanor, saying she was “crazy and lazy because she was not getting any sex” (because her husband passed away three years ago). Furthermore, as recent as September 30, 2007, defendants RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI & GARY (AKA GINTEAN) SARACHI were making derogatory comments about women while working their shift at SHERRY NETHERLAND CIPRIANI and in the presence of Plaintiff.

Upon information and belief, at all times mentioned herein, for the most part, the hurtful, humiliating and derogatory name calling and verbal abuse was perpetrated in Spanish therefore, the female employees who spoke Spanish were effected the most by this harassment.

78. Upon information and belief, as a result of the harassment by the above defendants, a majority of the few women who were hired to work at SHERRY NETHERLAND CIPRIANI quit or resigned during 2000-2007, the years of Plaintiff’s employment. Upon information and belief, all the aforementioned women quit their positions at SHERRY NETHERLAND CIPRIANI because of the harassment they suffered by the male employees and managers of SHERRY NETHERLAND CIPRIANI and more specifically the above named defendants.

79. Upon information and belief, commencing from February 2000 and continuing until October 2007, Plaintiff repeatedly informed defendants HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM

ELMOHAMADI JAD & WILLIAM PAZMINO, that their distasteful, degrading, dehumanizing, and offensive comments and actions were unwelcome and inappropriate. However, Defendants, failed to cure their behavior.

80. Upon information and belief, at all times mentioned herein, such behavior was condoned by the supervisors and managers at the SHERRY NETHERLAND CIPRIANI, in that from February 2000 until October 2007 they witnessed the harassment of the Plaintiff in the work place by Defendants, and took no proactive measures to cure the hostile work environment. The Defendant supervisors and managers that witnessed the aforementioned harassment and took no action were HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ARRIGO CIPRIANI and GUISEPPE CIPRIANI.

81. Upon information and belief, from on or about February 2000 to on or about October 2007, Plaintiff routinely and expressly made complaints specifically regarding the hostile work environment to the management and owners at the SHERRY NETHERLAND CIPRIANI, including, but not limited to ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA and CARLOS MARIANI. Upon information and belief, after learning of the hostile environment experienced by Plaintiff and other females, ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA and CARLOS MARIANI took no steps to intervene, to discipline the offenders or to do anything to help Plaintiff.

82. Upon information and belief, at all times mentioned herein, the above behavior was reported by Plaintiff to the Senior General Manager, defendant HASSAN ELGARRAHY, on multiple occasions. His response was consistently in violation of the Cipriani Employee Policy and Procedure Manual given to Plaintiff soon after she was hired. He indicated each time that he would not consider Plaintiff's complaints and/or would verbally abuse Plaintiff himself. As a result of Plaintiff's interactions with HASSAN ELGARRAHY Plaintiff would attempt to work away from the main dining room, where HASSAN ELGARRAHY would usually station himself.

83. Upon information and belief, from on or about February 2000, and continuing until October 2007 the owners, supervisors and managers of the SHERRY NETHERLANDS CIPRIANI who witnessed the aforementioned inappropriate, offensive, degrading and non-business related behavior of the male employees and defendants SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO were ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI.

84. At all times mentioned above the defendant's HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO words, actions and intent were to demean, ridicule, isolate and humiliate females in general and Plaintiff in particular.

85. Upon information and belief, at all times mentioned herein, Plaintiff repeatedly informed defendants HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO that their distasteful, degrading, dehumanizing, and offensive comments and actions were unwelcome and inappropriate.

86. The humiliating, demeaning and derogating conduct of the defendants and the other male employees, had the purpose of and effect of unreasonably interfering with Plaintiff's work performance.

87. Upon information and belief, at all times mentioned herein, such behavior was condoned by the supervisors and officers of the SHERRY NETHERLAND CIPRIANI (and any and all of the CORPORATE DEFENDANTS) in that they witnessed the harassment of the Plaintiff and other females in the work place by defendants and took no proactive measures to cure the hostile work environment or the disparate treatment.

88. Upon information and belief no action was taken by the supervisors, managers, officers and owners of the SHERRY NETHERLAND CIPRIANI, and if such action was taken it was wholly inadequate to remedy the harassment received by Plaintiff as the complained of behavior continues to date or October 2007.

89. On or about 2003, Plaintiff directly complained to the owner GUISEPPE CIPRIANI, about the behavior of the managers and male staff members. No action was taken by GUISEPPE CIPRIANI.

90. Upon information and belief, any and all of the CORPORATE DEFENDANTS

did not have adequate policies and procedures in place to report and remedy sexual harassment.

91. Any and all of the CORPORATE DEFENDANTS training of management, officers and employees on the issues of sex discrimination was wholly inadequate. In fact, upon information and belief, while any and all of the CORPORATE DEFENDANTS provided some training of the staff at the SHERRY NETHERLAND CIPRIANI on sexual harassment issues, they provided this training for the first time on or about May 2007.

92. Upon information and belief, at all times mentioned herein, nevertheless, Plaintiff attempted to avail herself of the policies and procedures in place. Plaintiff, on multiple occasions, the last being October 2007, attempted to report the conduct and utilize the complaint mechanisms available to her at the SHERRY NETHERLAND CIPRIANI given to her by any and all of the CORPORATE DEFENDANTS to no avail. For example, on or about October 2007, Plaintiff complained to HASSAN ELGAHARRY about the hostile work environment and disparate treatment she was receiving and was told by HASSAN ELGAHARRY to stop complaining and that he would take no action.

93. Any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI and GIUSEPPE CIPRIANI did not exercise reasonable care to prevent and correct the harassment and disparate treatment based on sex experienced by Plaintiff at the SHERRY NETHERLAND CIPRIRANI.

94. Upon information and belief, at all times mentioned herein, any attempts by any and all of the CORPORATE DEFENDANTS and individually named defendants to remedy the humiliating, demeaning and derogating conduct of the defendants and male employees, were feeble, inadequate, self protective and in anticipation of litigation.

95. Upon information and belief, and at all times mentioned herein, the discriminatory behavior and practices based on sex Plaintiff experienced while working at the SHERRY NETHERLAND CIPRIANI were evidenced through the disparate treatment of male and female employees by the managers at the SHERRY NETHERLAND CIPRIANI who were employed by any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI and GUISEPPE CIPRIANI , and owners of the above entities and more specifically those who were working at SHERRY NETHERLAND CIPRIANI during the course of Plaintiff's employment and named above as individual defendants to the within complaint.

96. Upon information and belief, and at all times mentioned herein, the disparate treatment of male and female employees by the managers at the SHERRY NETHERLAND CIPRIANI took the form of unfair and unequal shift assignment of captains, waiters and bus persons; unfair and unequal distribution of tips and earnings; disciplinary action taken by management against staff members and orchestration of staff layoffs.

97. Upon information and belief, and at all times mentioned herein, the rules and regulations concerning staff management and discipline at SHERRY NETHERLAND CIPRIANI are governed by the Collective Bargaining Agreement (hereinafter "CBA") between any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI and GIUSEPPE CIPRIANI, and Local 6 of the Hotel Restaurant and Club Employees & Bartenders Union.

98. Upon information and belief, at the time Plaintiff was hired there was an three month interim period before she could become a Union member of Local 6 of the Hotel

Restaurant and Club Employees & Bartenders Union.

99. Upon information and belief, after Plaintiff became a member of Local 6 she did not automatically gain full time hours as she was guaranteed under the CBA and only after a complaint filed with the Union did she receive full time hours while working at SHERRY NETHERLAND CIPRIANI.

100. Upon information and belief, from February 2000 to October 2007 there was a marked tip earning differential between the breakfast, lunch and dinner shifts at the SHERRY NETHERLAND CIPRIANI.

101. Upon information and belief, during that interim period, from on or about February 2000 to on or about May 2000, Plaintiff was consistently assigned the breakfast shift that was notorious for generating lower tips than the lunch and dinner shifts.

Plaintiff was also assigned by the owners and/or management part time hours to work.

Upon information and belief, Plaintiff was the only server assigned part time hours.

102. Upon information and belief, from on or about May 2000, until on or about, October 2007, Plaintiff continued to be consistently scheduled for the breakfast and/or lower paying/tip generating shifts by defendants ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA and CARLOS MARIANI, despite her seniority under the CBA and/or repeated requests to defendants for the lunch and dinner shift. Upon information and belief, this disparate shift assignment was solely based on her gender and/or for retaliatory purposes in response to Plaintiff's complaints of discrimination and harassment based on sex.

103. Upon information and belief, from on or about February 2000, until on or about October 2007 Plaintiff has made repeated formal complaints to Local 6 about her unfair

shift assignment. Upon information and belief, Local 6 has made any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI, GUISEPPE CIPRIANI and HASSAN ELGAHARRY aware of the Plaintiff's complaints with respect to the unfair shift assignment. Upon information and belief, Plaintiff's complaints have provided her with no or little remedy or correction of her unfair shift assignment from the owners or management at SHERRY NETHERLAND CIPRIANI, more specifically any and all of the CORPORATE DEFENDANTS and the individually named defendants.

104. Upon information and belief, from on or about February 2000 and continuing to on or about October 2007 Plaintiff was assigned the following job duties: cashier, room service, food preparation and set up, as well as her usual duties as a server. Upon information and belief, no male servers or employees at SHERRY NETHERLAND CIPRIANI were given tasks outside their usual duties as servers or outside their title.

105. Upon information and belief, from on or about February 2000 to on or about October 2007, the discriminatory culture based on sex at the SHERRY NETHERLAND CIPRIANI was also evidenced by unequal hiring practices encouraged and practiced by any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA & CARLOS MARIANI.

106. Upon information and belief, from on or about February 2000 to on or about October 2007 any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA & CARLOS MARIANI intentionally planned to and in fact did hire disproportionately less female employees than male employees to work at the SHERRY NETHERLAND CIPRIANI. Defendants practices in hiring were motivated solely by discriminatory reasons based on

sex.

107. Upon information and belief, in February 2000 when Plaintiff was hired, there were only two female servers, including Plaintiff, out of ten total servers working at SHERRY NETHERLAND CIPRIANI.

108. In February 2000, there were no female captains working at SHERRY NETHERLAND CIPRIANI.

109. Furthermore, on or about February 2000, when Plaintiff was hired, there was not a separate locker room for male and female servers and captains. The female employees had to change in the same area used by the male employees.

110. Upon information and belief, the defendants named above have also engaged in discrimination based on race of others employed by SHERRY NETHERLAND CIPRIANI.

111. Multiple complaints were filed both with Local 6 and with the Office of the Attorney General of New York State on or about September 2001 with regard to both sex and race discrimination perpetrated by the above named defendants and more specifically the defendants working at the SHERRY NETHERLAND CIPRIANI.

112. As a result of the investigation by the Office of the Attorney General of the State of New York a Notice concerning employee rights and discrimination complaints was posted in the restaurants owned by the corporate defendants, including the SHERRY NETHERLAND CIPRIANI instructing employees of their right to file complaints against any and all of the CORPORATE DEFENDANTS with the office of the Attorney General of the State of New York.

113. On or about, April 17, 2002, as a result of the investigation by the Union and after

multiple hearings, any and all of the CORPORATE DEFENDANTS were found to be in violation of the Collective Bargaining Agreement with Local 6. Furthermore, defendant HASSAN ELGAHARRY, as Senior General Manager, was found to have engaged in retaliatory behavior against Union members in violation of the National Labor Relations Act.

114. Upon information and belief, and according to the minutes of the April 17, 2002 hearing with the Impartial Chairman, defendant HASSAN ELGARRAHY was taped threatening two servers who worked at SHERRY NETHERLAND CIPRIANI who had made complaints to the Union. As a result of their investigation the Local 6 claimed "...that [HASSAN ELGARRAHY] remains unrepentant and arrogant and that he will, in the future, violate the Industry Wide Agreement by attempting to reach contractually prohibited individual agreements with selected workers and threaten and continue to intimidate them to agree and to undercut the benefits of the Collective bargaining Agreement. In addition, the Union argues that [HASSAN ELGARRAHY] will attempt to retaliate against all those workers present in the hearing room today and any worker who in the future files a grievance." Upon information and belief, The Office of the Impartial Chairman sustained the Union's grievance.

115. The above mentioned public decision was or should have been a bold indicator to the owners of the SHERRY NETHERLAND CIPRIANI and any and all of the CORPORATE DEFENDANTS, including ARRIGO CIPRIANI and GUISEPPE CIPRIANI of HASSAN ELGARRAHY's penchant for intimidation and retaliation against the employees of Local 6.

116. Upon information and belief, no disciplinary action was taken by any and all of

the CORPORATE DEFENDANTS, ARRIGO CIPRIANI and GUISEPPE CIPRIANI against defendant HASSAN ELGARRAHY for the above incident.

117. After the investigation by the Office of the Attorney General, and, upon information and belief, as a result, any and all of the CORPORATE DEFENDANTS hired more female staff members to work at the SHERRY NETHERLAND CIPRIANI. However, despite hiring some female staff, the defendant continued to perpetuate the disparate treatment and hiring practices

118. Upon information and belief, the unfair, unequal and discriminatory hiring practices based on sex perpetrated by defendants at the SHERRY NETHERLAND CIPRIANI continued unchanged from on or about February 2000 until on or about October 2007. For example, on or about June 2005 defendants employed one female and six male captains; One female and ten male servers and two female and four male bus persons to work at the SHERRY NETHERLAND CIPRIANI. Furthermore, as of June 2007, there were only nine females total, including Plaintiff, out of thirty six total servers and buspersons working at the SHERRY NETHERLAND CIPRIANI. Of those employees, upon information and belief, no women were assigned Lunch and Dinner (higher paying/tip generating) shifts.

119. Upon information and belief, at all times mentioned herein, the unfair, unequal and discriminatory employment practices based on sex perpetrated by defendants at the SHERRY NETHERLAND CIPRIANI extended into their orchestration of layoffs as well.

120.. Under the CBA between Local 6 and any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI and GIUSEPPE CIPRIANI, the work of one classification (e.g. Server) is not to be given to an employee of another classification (e.g.

Bus Person) or to those in management.

121. On or about, September 11, 2001, any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI and GIUSEPPE CIPRIANI enforced layoffs at the SHERRY NETHERLAND CIPRIANI of all classifications of employees because of alleged reduced clientele and business. This "layoff period" extended until on or about March 2002.

122. Upon information and belief, the employees laid off from on or about September 2001 until on or about March 2002, consisted of every female employee of all classifications and a few male employees, one of whom was Felix Maldonado. Upon information and belief, Felix Maldonado, was an employee who had been among those referenced above who complained to the Union and the Office of the Attorney General of New York State of race and /or national origin discrimination by the management of SHERRY NETHERLAND CIPRIANI and any and all of the CORPORATE DEFENDANTS.

123. Upon information and belief, during the layoff period which began on or about September 2001, all females of each classification were not given work again until after February 5, 2002. However, the males who were laid off during this period, received work during the layoff period.

124. Upon information and belief, during both the layoff period at the SHERRY NETHERLAND CIPRIANI. from on or about September 2001 until on or about March 2002 and after the layoff period from march 2002 until October 2007, certain males classified as bus persons were working and earning tips as servers during vacant shifts (i.e. when another server would call out sick) outside of their classification, in violation

of the CBA. Upon information and belief, no female servers were given the opportunity to fill those shifts by any and all of the CORPORATE DEFENDANTS and the individually named defendants. Similarly, upon information and belief, no female bus persons were given the same opportunity.

125. Furthermore, upon information and belief, during the layoff from on or about September 2001 to on or about, March 2002, male servers who were not laid off were given overtime hours at the expense of female servers who were laid off at the SHERRY NETHERLAND CIPRIANI in violation of the CBA.

126. In general, upon information and belief, from February 2000 to October 2007 all females who worked at the SHERRY NETHERLAND CIPRIANI as servers, bus persons and captains were consistently assigned the lowest paying/tip earning shifts and, upon information and belief, during that time period, Plaintiff received the worst shifts and lowest paying/tip earning shifts. This assignment of Plaintiff to the worst and lowest paying shifts was based solely on defendants discrimination of Plaintiff based on her sex for retaliatory purposes.

127. Upon information and belief, consistently, from on or about February 2000 to October 2007, Plaintiff was not called to work on vacant shifts while male bus persons were given the opportunity to work as servers and in fact did work as servers outside of their classification. For example on or about March, April and May 2005, defendant, WILLIAM PAZMINO, a bus person was permitted to work outside of his classification as a server and receive a tip amount equal to the other servers, when Plaintiff was not given the option to work those particular shifts by any and all of the CORPORATE DEFENDANTS and the individually named defendants.

128. This disparate treatment in shift assignment and tip earning occurred in a pervasive fashion from on or about February 2000 to on or about October 2007, the entire time Plaintiff has worked at the SHERRY NETHERLAND CIPRIANI. This disparate treatment in shift assignment and tip earning practiced and perpetrated by defendants was motivated solely by an intent to discriminate against female employees in favor of males employees.

129. Upon information and belief, from on or about February 2000 to on or about October 2007 Plaintiff has consistently requested better shifts and has complained about the disparate shift assignment she has received to defendants ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA and CARLOS MARIANI. Her schedule has not been changed as a result.

130. Upon information and belief, almost from the inception of Plaintiff's employment until on or about October 2007, she was continually harassed, caused to suffer a hostile work environment, intimidated, unfairly disciplined, and even suspended by Defendants because of her complaints of discrimination based on sex, sexual harassment and disparate treatment. At times, the harassment and retaliatory behavior took the form of physical abuse.

131. On or about September 13, 2000, while working her shift, Plaintiff was physically assaulted by George Brazil (aka Brazilian), a captain employed by any and all of the CORPORATE DEFENDANTS at the SHERRY NETHERLAND CIPRIANI. Plaintiff filed a police report filed concerning the incident. At all times mentioned herein, George Brazil was supervised and under the control of ARRIGO CIPRIANI, GIUSEPPE CIPRIANI and HASSAN ELGARRAHY.

132. On or about September 13, 2000, Plaintiff was carrying two trays to the main dining room full of hot food and wine. While Plaintiff had both trays in her arms George Brazil squeezed her hard on her right arm leaving a large hematoma. Upon information and belief, Brazil wanted Plaintiff to drop the trays so that she would be fired.

133. Immediately after the incident Plaintiff went to complain to HASSAN ELGARRAHY. As she began to relay the incident to him he did not let her speak and told her that the next time she went to his office to complain he would "put (her) in the street."

134. Upon information and belief, after this incident Plaintiff made a complaint to both Local 6 and to the Attorney General's Office about the physical abuse and the pervasive discriminatory behavior of the males (both staff and management) against the few women who worked at the SHERRY NETHERLAND CIPRIANI. At this time, others came forward and complained about the abuses they had suffered while working at the SHERRY NETHERLAND CIPRIANI based on their sex and / or race and national origin.

135. As a result of Plaintiff's complaints the captain George Brazil was fired and server defendant JORGE RAMIREZ was suspended. Upon information and belief, as soon as this occurred Plaintiff became a hated target of all the men, including but not limited to all male defendants enumerated in the instant complaint, who worked for the SHERRY NETHERLAND CIPRIANI and who were friends with the two men who were punished as a result of her complaint.

136. Soon after Plaintiff's complaint to the Union she was approached by a captain, defendant, FERNAND OSALVATIERRA, claiming to be acting on behalf of defendant

HASSAN ELGAHARRY. Defendant FERNAND OSALVATIERRA told her that she should not file a complaint with the city because she "had children and something could happen to (her)."

137. Upon information and belief, since that event the harassment has only become more hostile and more insidious. On or about May of 2002, shortly after Plaintiff's return after the "layoff period," Plaintiff opened her locker to find it filled with packages of meat. Plaintiff took the meat out of her locker and placed it on top of the row of lockers.

138. Upon information and belief, when Plaintiff left the restaurant after her shift HASSAN ELGAHARRY attempted to look into Plaintiff's bag and appeared confused after he saw that there was no meat in it. After this incident Plaintiff notified Local 6 of what she suspected but no action was taken against any and all of the CORPORATE DEFENDANTS or HASSAN ELGAHARRY.

139. Upon information and belief, also post layoff period, the captain, defendant RICARDO FLORES, became more abusive and hostile to Plaintiff. After Plaintiff returned to work in March 2002, she worked as a server in the main dining room. At that time defendant RICARDO FLORES was the captain in charge of the main dining room.

140. From on or about March 2002 until June 2005, when Plaintiff would work under the supervision of defendant RICARDO FLORES he would constantly and consistently tell her that he didn't want her to work in the main dining room because "those people don't want to be served by a woman." He would hover over Plaintiff and scrutinize and criticize everything she did. Even when Plaintiff was working under the supervision of other captains RICARDO FLORES would continue to verbally harass and humiliate her. For example, he would constantly leer at her and tell her that he "enjoyed Colombian

girls.”

141. Because of RICARDO FLORES’ behavior toward Plaintiff she asked the restaurant manager, defendant SERGIO VACA, to move her to the kitchen so she would not have to withstand the abuse any further. At times he would assign her different shifts but for the most part she was forced to work with RICARDO FLORES .

142. From on or about February 2000 until on or about May 2007, RICARDO FLORES would engage in discriminatory behavior toward other female and minorities as well. For example, he would call Felix Maldonado, a server, “nigger” and would call the only female captain, Carmelia DeLucia, “stupid” in Spanish a language Carmelia does not speak.

143. Upon information and belief, at all times mentioned herein, the hostility experienced by Plaintiff from RICARDO FLORES escalated until one day, on or about December 2004, when Plaintiff was working in the main dining room with RICARDO FLORES as captain. While Plaintiff was carrying three trays of hot food to the main dining room RICARDO FLORES appeared before her and appeared to purposefully stand in her way. Plaintiff had to move out of his way to avoid him and to avoid dropping the trays.

144. On or about December 11, 2004, Plaintiff was working again in the main dining room as a runner. As a runner her job was to bring the food next to the table but not to serve it. That is the job of the captain. As Plaintiff was bringing the food to the table RICARDO FLORES told Plaintiff to serve it as well. When Plaintiff declined he screamed at her and humiliated her in front of customers. When Plaintiff indicated that she would report him he got uncomfortably close to Plaintiff and told her that if she went

to HASSAN ELGAHARRY to complain, she would not be believed anyway.

145. After this incident, on or about December 2004, Plaintiff drafted a formal written complaint to HASSAN ELGAHARRY and to the Union. In her complaint she described the above events. Plaintiff also complained of RICARDO FLORES' discriminatory actions toward Carmelia, based on sex and toward Felix Maldonado, based on race.

146. After receipt of her complaint the Union approached HASSAN ELGAHARRY and forced him to conduct an "investigation." Upon information and belief HASSAN ELGAHARRY conducted an brief, inadequate investigation and concludes that no action would be taken against RICARDO FLORES.

147. Upon information and belief, after this unsatisfactory response from HASSAN ELGAHARRY on or about January 2005 the harassment from including but not limited to all named male defendants began to get more severe in retaliation for Plaintiffs complaints of hostile work environment and disparate treatment based on sex.

148. Upon information and belief, from February 2005 to May 2005 various male staff members began to accuse Plaintiff of being a whistle blower as to any and all behavior they exhibited which was harassing or volatile. For example, both GARY SARACI and SAM ELMOHAMADI JAD had incidents at work where their behavior was reported to management. After the reports were made to management they continuously and without reprieve harassed and intimidated Plaintiff while at work. For example, they would tell her that "if (plaintiff) wanted to hit them in the balls (Plaintiff) should hit them hard and finish the game". After other similar incidents of harassment Plaintiff complained to both the Restaurant Manager, SERGIO VACA and to HASSAN ELGAHARRY. Nothing was done and the harassment continued.

149. Upon information and belief, Plaintiff was suspended by Defendants because of her complaints of discrimination based on sex, sexual harassment and disparate treatment.

150. On or about May 9, 2005, while working room service for the breakfast shift, due to an elevator malfunction, Plaintiff was trapped in the elevator for about 15 to 20 minutes. Plaintiff called the front desk from the elevator phone so that they could get her out. After some time Plaintiff was let out by the engineer. Upon information and belief, although the food was cold and Plaintiff had to then take extra time to change the orders, no customers who ordered room service had complained. Aside from the twenty minutes Plaintiff lost from being stuck in the elevator Plaintiff continued to do her job.

151. Upon information and belief, RICARDO FLORES was scheduled to work that day at 11:30 a.m. He arrived at 12:30 p.m. Aside from the captain assigned to the breakfast shift Plaintiff did not have any other assistance in completing her tasks. Since RICARDOO FLORES came in late Plaintiff had to complete everything alone and was late in getting everything that needed to be done completed.

152. When SERGIO VACA arrived for the day he confronted Plaintiff as to why her tasks were not done. Plaintiff told him about the elevator incident and informed him that RICARDO FLORES came in late. A few minutes later SERGIO VACA approached Plaintiff with RICARDO FLORES, SAM ELMOHAMADI JAD and GARY SARACHI in tow. SERGIO VACA informed Plaintiff she was suspended for two days. Plaintiff told him she wanted the suspension in writing. SERGIO VACA told Plaintiff "no" and Plaintiff did not leave work as he instructed her to for fear he would use her leaving as another reason to fire her.

153. The next day HASSAN ELGAHARRY called Local 6 and enforced the suspension against Plaintiff. Plaintiff was suspended without pay for two days, May 13 and May 14, 2005. Plaintiff immediately filed a complaint with her Union. The Union arbitrated the issue on her behalf, and upon information and belief, the suspension was found to be unlawful.

154. Upon information and belief the suspension of Plaintiff on May 13, 2005 and May 14, 2005 was solely based on retaliatory reasons for her complaints of discrimination based on sex.

155. SHERRY NETHERLAND CIPRIANI closed its dining room from June 2005 to April 2007 and only provided room service at the Sherry Netherland. There were a few staff members asked to work there during this time and Plaintiff was not among them.

156. Upon information and belief, SHERRY NETHERLAND CIPRIANI, reopened its doors in the Sherry Netherlands, to the public in April 2007. Plaintiff learned of this fact through her Union and went back to work as a server there.

157. Upon information and belief, from on about April 2007 to the present October 2007, the discriminatory patterns and behavior of the defendants remained unchanged.

158. From April 2007 to October 2007 the defendants continued their pattern of severe and pervasive hostile, offensive and intentionally abusive conduct perpetrated and/or encouraged by the male bus persons, servers, captains and managers who were employed by any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI, GUISEPPE CIPRIANI and HASSAN ELGAHARRY and all owners of the above entities and more specifically those who were working at SHERRY NETHERLAND CIPRIANI during the course of her employment and named above as defendants to the within complaint.

159. Upon information and belief, from April 2007 to October 2007 this pattern of severe and pervasive hostile, offensive and intentionally abusive conduct perpetrated and/or encouraged by the male bus persons, servers, captains and managers who were employed by defendant included comments to and about female staff said to and heard by Plaintiff. Those comment included referring to one of the females as "crazy and lazy because her husband died three years ago and she is not getting any sex" and calling another female staff member "stupid" and questioning whether she was male or female because she appeared "strong".

160. Upon information and belief, from April 2007 to October 2007 this discrimination was again, further evidenced through the disparate treatment of males and females by managers who were employed by any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI, GUISEPPE CIPRIANI and HASSAN ELGAHARRY and owners of the above entities and more specifically those who were working at SHERRY NETHERLAND CIPRIANI during the course of Plaintiff's employment and named above as defendants to the within complaint.

161. Upon information and belief, from April 2007 to October 2007 the disparate treatment again took the form of unfair shift assignment based on sex, unfair distribution of tips and earnings based on sex, and disciplinary action taken by management against staff members based on sex.

162. For example, from April 2007 until October 2007, the female staff was consistently scheduled for the breakfast shifts while males were scheduled for lunch and dinner shifts.

163. From April 2007 until October 2007, Plaintiff continue(s) to be consistently

scheduled for the breakfast shift despite her repeated requests to defendants for the lunch and dinner shift.

164. In fact, even when Plaintiff attempted to change shifts with another server, management would thwart her attempts despite the fact that others were permitted to shift change.

165. For example on or about May 2007, Plaintiff attempted to switch shifts with another server but was not permitted to by defendant CARLOS MARIANI with no explanation as to why. Also, on or about the last week of July 2007 Plaintiff agreed with another server to exchange shifts. Upon information and belief HASSAN ELGAHARRY would not allow the shift switch with no explanation as to why.

166. From May 2007 to October 2007 Plaintiff consistently complained to HASSAN ELGAHARRY about the above hostile environment and disparate treatment with no attempt by HAASAN ELGAHARRY to correct or even investigate her complaints.

167. Upon information and belief, and at all times hereinafter mentioned, the male bus persons, servers, captains and managers who were employed by any and all of the CORPORATE DEFENDANTS, ARRIGO CIPRIANI, GUISEPPE CIPRIANI and HASSAN ELGAHARRY perpetrated a hostile and disparate environment that was so pervasive it became part of the culture of the work environment and effected all female captains, servers, bus persons and other female staff who worked at SHERRY NETHERLAND CIPRIANI.

168. Upon information and belief, and at all times hereinafter mentioned, the above named respondents perpetrated and/ or encouraged severe and pervasive hostile, offensive and intentionally abusive conduct toward the female employees of SHERRY

NETHERLAND CIPRIANI and perpetrated and/ or encouraged the disparate treatment of males and females employed by any and all of the CORPORATE DEFENDANTS, ARRIGO CIPIRANI, GUISEPPE CIPRIANI and HASSAN ELGAHARRY.

169. It is for the above reasons Plaintiff complains that the Defendants discriminated against Plaintiff based on her sex and for retaliated against her for her complaints of said discrimination.

170. Upon information and belief, and at all times hereinafter mentioned, the male employees and supervisors who were employed by any and all of the CORPORATE DEFENDANTS, ARRIGO CIPIRANI, GUISEPPE CIPRIANI and HASSAN ELGAHARRY perpetrated a hostile environment that was so offensive and humiliating it caused Plaintiff severe emotional harm.

171. Upon information and belief, , and at all times hereinafter mentioned, such behavior was condoned by any and all of the CORPORATE DEFENDANTS, ARRIGO CIPIRANI, GUISEPPE CIPRIANI and HASSAN ELGAHARRY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, in that they were aware of such unlawful behavior and took no measures to cure the disparate treatment or hostile work environment.

172. Upon information and belief, and at all times hereinafter mentioned, any and all of the CORPORATE DEFENDANTS, ARRIGO CIPIRANI, GUISEPPE CIPRIANI and HASSAN ELGAHARRY did not have policies or procedures in place for reporting sex discrimination or sexual harassment to allow Plaintiff to report the unlawful behavior and take measures to cure the disparate treatment or hostile work environment.

173. Upon information and belief, and at all times hereinafter mentioned, any and all of the CORPORATE DEFENDANTS, ARRIGO CIPIRANI, GUISEPPE CIPRIANI and HASSAN ELGAHARRY did not take measures to cure the disparate treatment or hostile work environment when Plaintiff attempted to avail herself of the policies or procedures in place for reporting sex discrimination or sexual harassment.

174. Upon information and belief, and at all times mentioned herein, any and all of the CORPORATE DEFENDANTS, ARRIGO CIPIRANI, GUISEPPE CIPRIANI and HASSAN ELGAHARRY maintained discriminatory policies and/or has engaged in an unlawful pattern of denying female employees compensation commensurate with similarly situated male employees and/or have otherwise intentionally discriminated against females in promotion, compensation (including salary, bonuses and/or equity awards), and/or the terms, conditions and/or privileges of employment.

175. Upon information and belief, and at all times mentioned herein, any and all of the CORPORATE DEFENDANTS, ARRIGO CIPIRANI, GUISEPPE CIPRIANI and HASSAN ELGAHARRY have policies and practices that have a disparate impact on women.

176. Upon information and belief, and at all times mentioned herein, any and all of the CORPORATE DEFENDANTS, ARRIGO CIPIRANI, GUISEPPE CIPRIANI and HASSAN ELGAHARRY maintain policies, practices and actions of retaliating against female employees for complaining about the discrimination

177. Upon information and belief, and at all times hereinafter mentioned, the sexual harassment suffered by Plaintiff was pervasive, unfair, discriminatory, disruptive to the Plaintiff's work performance, and caused her great emotional distress.

178. Furthermore, upon information and belief, and at all times hereinafter mentioned, the actions of the defendants caused Plaintiff to feel she had been humiliated and made to feel more than uncomfortable because of her sex.

179. Upon information and belief, and at all times hereinafter mentioned, Plaintiff was subjected to a hostile work environment while working at the SHERRY NETHERLAND CIPRIANI.

180. Upon information and belief, and at all times hereinafter mentioned, that no negligence on the part of the Plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

181. Upon information and belief, and at all times hereinafter mentioned, that as a result of the foregoing, Plaintiff was caused to sustain humiliation, emotional distress, mental anguish; that these injuries and their effects will be permanent.

AS AND FOR A FIRST CAUSE OF ACTION

(Violation of New York Labor Law)

182. Plaintiff repeats and restates paragraph 1 through 181 of the Complaint, inclusive, with the same force and effect as if set forth herein.

183. During Plaintiffs' employment, Defendants VITTORIA CORPORATION, VITTORIA CORPORATION D/B/A HARRY CIPRIANI, HARRY CIPRIANI RESTAURANT SERVICES, INC., HARRY CIPRIANI, INC., CIPRIANI GROUP, INC., CIPRIANI FIFTH AVENUE, LLC, DOWNTOWN RESTAURANT COMPANY, LLC, DOWNTOWN RESTAURANT CORP., ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO

SALVATIERRA and LEONE PASSERINI required Plaintiffs and female employees in general to perform the same or substantially the same job position as other male employees, requiring equal skill, effort, and responsibility under similar working conditions at the same establishment and paid Plaintiffs and the other female employees, at a rate of pay, including salary and bonus, less than such male employees. The differential rate of pay was not part of or occasioned by a seniority system, merit system, a system based on the quantity or quality of production or upon a factor other than Gender.

184. In addition, Defendants VITTORIA CORPORATION, VITTORIA CORPORATION D/B/A HARRY CIPRIANI, HARRY CIPRIANI RESTAURANT SERVICES, INC., HARRY CIPRIANI, INC., CIPRIANI GROUP, INC., CIPRIANI FIFTH AVENUE, LLC, DOWNTOWN RESTAURANT COMPANY, LLC, DOWNTOWN RESTAURANT CORP., ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA and LEONE PASSERINI have implemented and maintain policies and practices that have a disparate discriminatory impact on the compensation paid to their female employees.

185. By the actions described above, among others, Defendants VITTORIA CORPORATION, VITTORIA CORPORATION D/B/A HARRY CIPRIANI, HARRY CIPRIANI RESTAURANT SERVICES, INC., HARRY CIPRIANI, INC., CIPRIANI GROUP, INC., CIPRIANI FIFTH AVENUE, LLC, DOWNTOWN RESTAURANT COMPANY, LLC, DOWNTOWN RESTAURANT CORP., ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA, CARLOS

MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA and LEONE PASSERINI have violated the New York Labor Law § 190 *et seq.* 194

186. Defendant VITTORIA CORPORATION, VITTORIA CORPORATION D/B/A HARRY CIPRIANI, HARRY CIPRIANI RESTAURANT SERVICES, INC., HARRY CIPRIANI, INC., CIPRIANI GROUP, INC., CIPRIANI FIFTH AVENUE, LLC, DOWNTOWN RESTAURANT COMPANY, LLC, DOWNTOWN RESTAURANT CORP., ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO knew that their actions constituted unlawful violation of equal pay laws and/or showed reckless disregard to plaintiffs statutorily protected rights.

187. As a direct and proximate result of Defendants VITTORIA CORPORATION, VITTORIA CORPORATION D/B/A HARRY CIPRIANI, HARRY CIPRIANI RESTAURANT SERVICES, INC., HARRY CIPRIANI, INC., CIPRIANI GROUP, INC., CIPRIANI FIFTH AVENUE, LLC, DOWNTOWN RESTAURANT COMPANY, LLC, DOWNTOWN RESTAURANT CORP., ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM

PAZMINO unlawful and discriminatory conduct in violation of the New York Labor Law, Plaintiff and female employees have suffered and continue to suffer harm, including lost wages, for which they are entitled to an award of monetary damages and other relief.

AS AND FOR A SECOND CAUSE OF ACTION

EMPLOYMENT DISCRIMINATION UNDER NEW YORK EXECUTIVE LAW

188. Plaintiff repeats and restates paragraph 1 through 187 of the Complaint, inclusive, with the same force and effect as if set forth herein.

189. The Plaintiff avers that the Defendants discriminated against the Plaintiff with respect to employment on account of her sex with regard to the terms, conditions and privileges of her employment, and that the unlawful and discriminatory treatment of Plaintiff on account of her sex violates the provisions of the Article 15 of the New York State Executive Law, specifically Executive Law §§ 290 *et seq.* 296 and 297, justifying an award, *inter alia*, of back pay, front pay, benefits, and compensatory and punitive damages for emotional distress against the Defendants in an amount to be determined by a jury at trial, and punitive damages, also in an amount to be determined by a jury at trial.

190. Executive Law §291 provides, in pertinent part, that "the opportunity to obtain employment without discrimination because of race, sex or national origin is hereby recognized as and declared to be a civil right."

191. Plaintiff is a member of a protected class as defined by Executive Law §291.

192. Defendants' practice of subjecting Plaintiff to discriminatory conduct in the terms and conditions of her employment, all of which were not conducted or imposed on comparable male employees in the same manner, frequency and/or degree, constitutes unlawful discrimination in violation of Human Rights Law, Executive Law §291.

193. Defendants' practice of harassing Plaintiff, imposing adverse working conditions, imposing disparate treatment and suspending Plaintiff on the basis of her sex and for retaliatory purposes has created a hostile working environment and a discriminatory termination.

194. By the actions described above, among others, Defendants have discriminated against Plaintiffs on the basis of her Gender in violation of the New York State Human Rights Law through a pattern and practice of failing to promote female employees, by denying Plaintiffs and the female employees the same terms and conditions of employment available to male employees, including but not limited to, subjecting them to disparate working conditions, denying them opportunities, promotions, and access to employment related activities and events, and denying them compensation and other benefits equal to that of male employees.

195. In addition, Defendants have implemented and maintain policies and practices that have a disparate discriminatory impact on women.

196. Defendants' discriminatory actions against Plaintiff constitute unlawful discrimination in employment on the basis of sex in violation of the Human Rights Law, Executive Law §291.

197. Plaintiff has suffered, is now suffering and will continue to suffer irreparable injury and monetary damages, loss of income, loss of employment benefits, mental anguish, humiliation, distress, embarrassment and damage to her reputation as a result of Defendants' discriminatory practices.

198. Defendants acted intentionally and with malice and/or reckless indifference to Plaintiff's statutory rights. Defendants were motivated by Plaintiff's sex. As a result of

Defendants' acts, Plaintiff is entitled to compensatory, punitive and economic damages in an amount to be determined at trial.

AS AND FOR A THIRD CAUSE OF ACTION

EMPLOYMENT DISCRIMINATION UNDER NEW YORK EXECUTIVE LAW

Retaliation under New York State Human Rights Law

199. Plaintiff repeats and restates paragraph 1 through 198 of the Complaint, inclusive, with the same force and effect as if set forth herein.

200. Defendants retaliated against Plaintiff because of her opposition to its discrimination against her in the terms and conditions of his employment on the basis of her sex in violation of the Human Rights Law, Executive Law §296 *et. seq.*

201. Executive Law §296 provides, in pertinent part, that it is an unlawful discriminatory practice for an employer "to discharge, expel or otherwise discriminate against any person because (s)he has opposed any practice forbidden under this article or because (s)he has filed a complaint, testified or assisted in any proceeding under this article."

202. Plaintiff is a member of a protected class as defined by the Human Rights Law, Executive Law §296.

203. Plaintiff complained of such conduct and informed Defendants' supervisory employees of the unlawful conditions to which she was subjected.

204. As a result of Plaintiff's complaints, Defendants retaliated against Plaintiff. Plaintiff was retaliated against by, inter alia, being harassed, treated in a disparate manner, subjected to unwarranted and disparate discipline and suspension.

205. As a direct and proximate result of Defendants' unlawful acts, Plaintiff has

suffered loss of income, loss of opportunities, loss of other employment benefits and opportunities and then discharged from her employment. She has also suffered distress, humiliation, great expense, embarrassment and damage to her reputation.

206. As a result of Defendants' conduct Plaintiff is entitled to economic punitive and compensatory damages in an amount to be determined at trial.

AS AND FOR A FOURTH CAUSE OF ACTION

AS AIDER AND ABETTOR UNDER SECTION 296(6)

OF THE NEW YORK STATE EXECUTIVE LAW

207. Plaintiff repeats and restates paragraph 1 through 206 of the Complaint, inclusive, with the same force and effect as if set forth herein.

208. The Individual Defendants knowingly or recklessly aided and abetted the unlawful employment practices, discrimination and/or retaliation against Plaintiffs in violation of the New York State Human Rights Law.

209. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, ARRIGO CIPRIANI, in violation of Section 296(6) of the New York State Executive Law.

210. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, Defendants GIUSEPPE CIPRIANI, in violation of Section 296(6) of the New York State Executive Law.

211. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, Defendants HASSAN ELGARRAHY, in violation of Section 296(6) of the New York State Executive Law.

212. That the foregoing acts pleaded above were aided and abetted by, and with the full

knowledge and consent of, Defendant, Defendants SERGIO VACA, in violation of Section 296(6) of the New York State Executive Law.

213. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, Defendants CARLOS MARIANI, in violation of Section 296(6) of the New York State Executive Law.

214. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, RICCARDO (AKA RICARDO) FLORES, in violation of Section 296(6) of the New York State Executive Law.

215. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, Defendants RAFAEL MORALES, in violation of Section 296(6) of the New York State Executive Law.

216. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, Defendants FERNANDO SALVATIERRA, in violation of Section 296(6) of the New York State Executive Law.

217. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, Defendants LEONE PASSERINI, in violation of Section 296(6) of the New York State Executive Law.

218. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, Defendants ALDO ELKASHASH, in violation of Section 296(6) of the New York State Executive Law.

219. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, Defendants JORGE RAMIREZ, in violation of Section 296(6) of the New York State Executive Law.

220. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, Defendants GARY (AKA GINTEAN SARACHI), in violation of Section 296(6) of the New York State Executive Law.

221. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, SAM ELMOHAMADI JAD in violation of Section 296(6) of the New York State Executive Law.

222. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant, WILLIAM PAZMINO, in violation of Section 296(6) of the New York State Executive Law.

223. As a result of the Defendants' actions, the Plaintiff suffered and continues to suffer economic losses, mental anguish, pain and suffering, and other nonpecuniary losses in a sum to be determined at trial, with interest, costs and disbursements.

AS AND FOR A FIFTH CAUSE OF ACTION

FOR NEGLIGENCE, CARELESSNESS AND RECKLESSNESS

224. Plaintiff repeats and restates paragraph 1 through 223 of the Complaint, inclusive, with the same force and effect as if set forth herein.

225. The conduct of the Defendants was negligent, careless and reckless and designed by the Defendants to inflict distress upon the Plaintiff.

226. The actions and conduct of the Defendants was purposefully done to intimidate the Plaintiff to cause her to be in fear of the offensive work environment and was done to unreasonably interfere with the Plaintiff job performance and to inflict emotional distress.

227. As a result of the actions of the Defendants, the Plaintiff was caused to suffer severe emotional and psychological distress.

228. The nature of the Defendants' conduct was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and invade the Plaintiff's privacy, and to be considered intolerable in a civilized society and in disregard of the Plaintiff's rights.

229. As a result of the Defendants' unlawful and despicable acts, the Plaintiff has been damaged in a sum to be determined by a jury, with interest, costs and disbursements.

AS AND FOR A SIXTH CAUSE OF ACTION

ON THE THEORY OF RESPONDEAT SUPERIOR

230. Plaintiff repeats and restates paragraph 1 through 229 of the Complaint, inclusive, with the same force and effect as if set forth herein.

231. The Defendants VITTORIA CORPORATION, VITTORIA CORPORATION D/B/A HARRY CIPRIANI, HARRY CIPRIANI RESTAURANT SERVICES, INC., HARRY CIPRIANI, INC., CIPRIANI GROUP, INC., CIPRIANI FIFTH AVENUE, LLC, DOWNTOWN RESTAURANT COMPANY, LLC, DOWNTOWN RESTAURANT CORP., are vicariously liable for the acts of its employees, including the Defendants ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO.

232. The Defendants ARRIGO CIPRIANI and GIUSEPPE CIPRIANI are vicariously liable for the acts of its employees, including the Defendants HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES,

RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO.

233. The acts undertaken by the Defendant employees were committed during the scope of their employment.

234. That by reason of the acts of the Defendants and their employees, the Plaintiff has been damaged in a sum to be determined by a jury, with interest, costs and disbursements.

AS AND FOR A SEVENTH CAUSE OF ACTION UNDER NEW YORK CITY

ADMINISTRATIVE CODE, TITLE VIII

235. Plaintiff repeats and restates paragraph 1 through 234 of the Complaint, inclusive, with the same force and effect as if set forth herein.

236. The Defendants, by its unlawful actions as set forth above, violated the New York City Administrative Code, Title VIII, §§ 8-101, 8-102 and 8-107 in that as an employer or an employee or agent thereof, because of the actual or perceived age race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation or alienage or citizen status of Plaintiff, refused to hire or employ or to bar or to discharge from employment Plaintiff and discriminated against Plaintiff in compensation or in the terms, conditions or privileges of her employment.

237. By the actions described above, among others, Defendants have discriminated against Plaintiffs and the members of the Class on the basis of their Gender in violation of the New York City Human Rights Law through a pattern and practice of failing to promote female employees, by denying Plaintiffs and other female employees the same terms and conditions of employment available to male employees, including but not

limited to, subjecting them to disparate working conditions, denying them opportunities, promotions, and access to employment related activities and events, and denying them compensation and other benefits equal to that of male employees.

238. In addition, Defendants have implemented and maintain policies and practices that have a disparate discriminatory impact on women.

239. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of the New York City Human Rights Law, Plaintiffs has suffered, and continue to suffer, harm for which she is entitled to an award of monetary damages and other relief.

240. That by reason of the acts of the Defendants and their employees, the Plaintiff has been damaged in a sum to be determined by a jury, with interest, costs and disbursements.

241. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the New York City Human Rights Law for which Plaintiffs is entitled to an award of punitive damages.

AS AND FOR A EIGHTH CAUSE OF ACTION

(Retaliation in Violation of New York City Human Rights Law)

242. Plaintiff repeats and restates paragraph 1 through 241 of the Complaint, inclusive with the same force and effect as if set forth herein.

243. Defendants have retaliated against Plaintiffs in violation of the New York City Human Rights Law for her opposition to and/or her participation in lodging complaints against Defendants' discriminatory practices.

244. As a direct and proximate result of Defendants' unlawful and retaliatory

conduct in violation of the New York City Human Rights Law, Plaintiff has suffered, and continues to suffer, harm for which she entitled to an award of monetary damages and other relief.

245. The Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the New York City Human Rights Law for which Plaintiff is entitled to an award of punitive damages.

AS AND FOR AN NINTH CAUSE OF ACTION

(Aiding and Abetting Violations of New York City Human Rights Law)

246. Plaintiff hereby repeat and reallege each and every allegation in paragraphs 1 through 245, inclusive, as if fully set forth herein.

247. The Individual Defendants knowingly or recklessly aided and abetted the unlawful employment practices, discrimination and retaliation against Plaintiff in violation of the New York City Human Rights Law.

248. As a direct and proximate result, Plaintiff has suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits for which she is entitled to an award of monetary damages and other relief.

249. As a direct and proximate result, Plaintiff has suffered and continues to suffer severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self confidence, and emotional pain and suffering for which she are entitled to an award of monetary damages and other relief.

250. The Individual Defendants unlawful actions constitute malicious, willful and wanton violations of the New York City Human Rights Law for which Plaintiff is entitled to an award of punitive damages.

**AS AND FOR AN TENTH CAUSE OF ACTION FOR NEGLIGENT INFLECTION
OF EMOTIONAL DISTRESS**

251. Plaintiff repeats and restates paragraph 1 through 250 of the Complaint, inclusive, with the same force and effect as if set forth herein.

252. That at all times hereinafter mentioned, and on or about February 2000 to October 2007, the individual Defendants HASSAN ELGARRAHY, SERGIO VACA, CARLOS MARIANI, RICCARDO (AKA RICARDO) FLORES, RAFAEL MORALES, FERNANDO SALVATIERRA, LEONE PASSERINI, ALDO ELKASHASH, JORGE RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM ELMOHAMADI JAD & WILLIAM PAZMINO while working for defendants VITTORIA CORPORATION, VITTORIA CORPORATION D/B/A HARRY CIPRIANI, HARRY CIPRIANI RESTAURANT SERVICES, INC., HARRY CIPRIANI, INC., CIPRIANI GROUP, INC., CIPRIANI FIFTH AVENUE, LLC, DOWNTOWN RESTAURANT COMPANY, LLC, DOWNTOWN RESTAURANT CORP., ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, engaged in extreme and outrageous conduct with respect to his treatment of Plaintiff.

253. That the individual defendants disregarded a substantial likelihood of causing severe emotional distress

254. That the individual defendant conduct caused the harm and outrage suffered by Plaintiff.

255. That by reason of the foregoing, Plaintiff suffered physical injuries, mental injuries, deprivation of privacy, terror, humiliation, damage to reputation and other severe psychological injuries.

256. The aforementioned occurrence took place due to the willful, wanton and intentional or reckless acts and/or omissions of the Defendants and their agents, servants, employees and/or licensees, all of whom were acting within the scope of their authority, within the scope of and in furtherance of their employment and in furtherance of their agency.

257. The acts complained of herein constitute negligent infliction of emotional harm and distress.

258. That by reason of the foregoing, Plaintiff was caused to sustain serious injuries and to suffer pain, shock and mental anguish; these injuries and their effects will be permanent; as a result of said injuries. Plaintiff has been caused to incur and will continue to incur expenses for medical care and attention; and, as a further result, Plaintiff will and will continue to be rendered unable to perform her normal activities and duties and in consequence has sustained a loss there from.

JURY DEMAND

259. That Plaintiff demands a trial by jury of all issues in this action.

PRAYER FOR RELIEF

260. That by reason of the foregoing, Plaintiff, LASTENIA AMPARO TORRES, has been damaged in a sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendants herein on all causes of action in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs of this action and such other relief as this Court deems just and proper.

Dated: Brooklyn , New York
October 2, 2007

Yours,



By: C. Laurie Bizzarro
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BIZZARRO
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LASTENIA AMPARO TORRES
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Our file No. 4193 - G&S

TO:

VITTORIA CORPORATION; 781 5th Avenue, New York, NY 10022-1012

VITTORIA CORPORATION D/B/A HARRY CIPRIANI; 781 5th Avenue, New York,
NY 10022-1012

HARRY CIPRIANI RESTAURANT SERVICES, INC.; 1345 Avenue of the Americas,
STE 3616, New York, NY 10105-0302

HARRY CIPRIANI, INC; 1345 Avenue of the Americas, STE 3616, New York, NY
10105-0302

CIPRIANI GROUP, INC.; 110 East 42nd Street, New York, NY 10017

CIPRIANI FIFTH AVENUE, LLC; 781 5th Avenue, New York, NY 10022-1012

DOWNTOWN RESTAURANT COMPANY, LLC; 376 W. Broadway, New York, NY
10012

DOWNTOWN RESTAURANT CORP.; 1345 Avenue of the Americas, New York, NY
10105-0302

ARRIGO CIPRIANI; 781 5th Avenue, New York, NY 10022-1012

GIUSEPPE CIPRIANI; 781 5th Avenue, New York, NY 10022-1012

HASSAN ELGARRAHY; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th
Avenue, New York, NY 10022-1012

SERGIO VACA; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th Avenue,
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RICCARDO (AKA RICARDO) FLORES; HARRY CIPRIANI at the Sherry Netherland
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WILLIAM PAZMINO; HARRY CIPRIANI at the Sherry Netherland Hotel, 781 5th
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ATTORNEY'S VERIFICATION

C. LAURIE BIZZARRO, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:
I am an attorney at **THE LAW OFFICE OF C. LAURIE BIZZARRO**, attorneys of record for Plaintiff(s), **LASTENIA AMPARO TORRES**. I have read the annexed

COMPLAINT

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not Plaintiff(s) is that Plaintiff(s) is/are not presently in the county wherein the attorneys for the plaintiff(s) maintain their offices.

DATED: Brooklyn, New York
 October 2, 2007



C. LAURIE BIZZARRO

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

=====X
LASTENIA AMPARO TORRES,

Plaintiff,

Index No.

CERTIFICATION

-against-

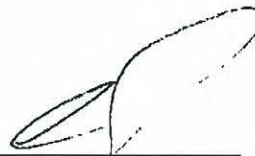
VITTORIA CORPORATION, VITTORIA
CORPORATION D/B/A HARRY CIPRIANI, HARRY
CIPRIANI RESTAURANT SERVICES, INC., HARRY
CIPRIANI, INC., CIPRIANI GROUP, INC., CIPRIANI
FIFTH AVENUE, LLC, DOWNTOWN RESTAURANT
COMPANY, LLC, DOWNTOWN RESTAURANT
CORP., ARRIGO CIPRIANI, GIUSEPPE CIPRIANI,
HASSAN ELGARRAHY, SERGIO VACA, CARLOS
MARIANI, RICCARDO (AKA RICARDO) FLORES,
RAFAEL MORALES, FERNANDO SALVATIERRA,
LEONE PASSERINI, ALDO ELKASHASH, JORGE
RAMIREZ, GARY (AKA GINTEAN SARACHI), SAM
ELMOHAMADI JAD & WILLIAM PAZMINO.

Defendants
=====X

I hereby certify pursuant to 22 NYCRR§130-1.1a(b) that, to the best of my
knowledge, information and belief, formed after an inquiry reasonable under the
circumstances, the presentation of the papers listed below or the contentions therein are
not frivolous as defined in 22 NYCRR§130-1.1(c)

Dated: **October 2, 2007**
 Brooklyn, New York

By:



C. Laurie Bizzarro
THE LAW OFFICE OF
C. LAURIE BIZZARRO
Attorneys for Plaintiff(s)
LASTENIA AMPARO TORRES

100 Marine Avenue, Suite 6G
Brooklyn, NY 11209
(718) 833-8246
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