

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X Index No.:

MARIA SOL LARREA,

Plaintiff,

**COMPLAINT**

-against-

DOWNTOWN RESTAURANT COMPANY,  
LLC, individually and d/b/a CIPRIANI  
DOWNTOWN SOCIALISTA, CIPRIANI USA,  
INC., individually and d/b/a CIPRIANI  
DOWNTOWN SOCIALISTA, and GIUSEPPE  
CIPRIANI, individually,

Plaintiff Demands a  
Trial by Jury

Defendants.

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Plaintiff, by and through her attorneys, Arcé Law Group, P.C., hereby complains of the Defendants, upon information and belief, as follows:

**NATURE OF THE CASE**

1. Plaintiff complains pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §2000e et seq. (“Title VII”), and to remedy violations of the New York State Executive Law and the Administrative Code of the City of New York, based upon the supplemental jurisdiction of this Court, pursuant to *Gibbs*, 383 U.S. 714 (1966) and 28 U.S.C. §1367, seeking damages to redress the injuries Plaintiff has suffered as a result of being harassed and discriminated against by her employer on the basis of her sex/gender, together with sexual harassment, *quid pro quo* sexual harassment, creating a hostile work environment, retaliation, and unlawful termination.

**JURISDICTION AND VENUE**

2. The Court has jurisdiction pursuant to 42 U.S.C. §2000e et seq.; 28 U.S.C. §1331, §1343, and supplemental jurisdiction thereto.
3. This action involves a Question of Federal Law.
4. Venue is proper in this district based upon the fact that a substantial part of the events or omissions giving rise to the claim occurred within the Southern District of the State of New York. 28 U.S.C. §1391(b).
5. On or about February 28, 2020, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”).
6. On or about October 19, 2020, Plaintiff received a Notice of Right to Sue Letter from the EEOC.
7. This action is brought within ninety (90) days of said Notice of Right to Sue Letter.

**PARTIES**

8. Plaintiff is a female resident of the State of New York, County of Queens.
9. At all times material, Defendant DOWNTOWN RESTAURANT COMPANY, LLC, individually and d/b/a CIPRIANI DOWNTOWN SOCIALISTA (hereinafter also referred to as “DOWNTOWN RESTAURANT”) was and is a domestic limited liability company duly existing under the laws of the State of New York.
10. At all times material, Defendant CIPRIANI USA, INC., individually and d/b/a CIPRIANI DOWNTOWN SOCIALISTA (hereinafter also referred to as “CIPRIANI USA”) was and is a domestic business corporation duly existing under the laws of the State of New York.

11. At all times material, Defendant DOWNTOWN RESTAURANT and Defendant CIPRIANI USA owned, operated, and/or managed a private bar/restaurant located at 376 West Broadway, 2nd Floor, New York, NY 10012.
12. At all times material, Defendant DOWNTOWN RESTAURANT and Defendant CIPRIANI USA are hereinafter collectively referred to as “Defendant CIPRIANI DOWNTOWN SOCIALISTA.”
13. At all times material, Defendant GIUSEPPE CIPRIANI (hereinafter also referred to as “CIPRIANI”) was and is an Owner of Defendant CIPRIANI DOWNTOWN SOCIALISTA.
14. At all times material, Defendant CIPRIANI was and is Plaintiff’s supervisor and/or had supervisory authority over Plaintiff.
15. Defendant CIPRIANI DOWNTOWN SOCIALISTA and Defendant CIPRIANI are hereinafter also collectively referred to as “Defendants.”
16. At all times material, Plaintiff was an employee of Defendants.

### **MATERIAL FACTS**

17. In or around September 2017, Plaintiff began working for Defendants as a cocktail waitress/bottle server at Defendant CIPRIANI DOWNTOWN SOCIALISTA’s 376 West Broadway, 2nd Floor, New York, NY 10012 location.
18. Defendant CIPRIANI DOWNTOWN SOCIALISTA is an invitation only restaurant and bar that is open from January to July, closes for the summer, and then reopens in September. Approximately one (1) week before Defendant CIPRIANI DOWNTOWN SOCIALISTA reopened in the Fall, Plaintiff would always receive an email from one of Defendants’ managers, advising her of her new work schedule.

19. Throughout her employment with Defendants, Plaintiff was regularly sexually harassed and subjected to a hostile work environment.
20. To that end, although Defendant CIPRIANI was not always at Defendant CIPRIANI DOWNTOWN SOCIALISTA's West Broadway location, whenever he *was* there, which was at least two (2) times per month, **he would stare at Plaintiff in a sexual manner, bite his lips as Plaintiff took his order, stare at Plaintiff's breasts and crotch, and caress her hand.** Plaintiff was extremely uncomfortable by Defendant CIPRIANI's sexual advances but did not complain because he was the Owner and she feared retaliation.
21. Additionally, Defendant CIPRIANI regularly pressured Plaintiff to take shots of alcohol with him while she worked. Whenever Plaintiff declined his invitation, Defendant CIPRIANI told Plaintiff, **"I am your boss" and required her to take the shot.**
22. Moreover, on a number of occasions, at the end of the night, Defendant CIPRIANI **asked Plaintiff to come over to his apartment.** Plaintiff always declined Defendant CIPRIANI's invitation.
23. Similarly, in or around December 2018, Defendant CIPRIANI's son, Ignacio Cipriani, was intoxicated while at Defendant CIPRIANI DOWNTOWN SOCIALISTA's bar when he went upstairs to Defendants' offices and/or rooftop, with a woman. A short time later, Ignacio Cipriani returned to the bar (which is on the second floor), approached Plaintiff, who was standing at Defendants' dee-jay station, **pulled out his penis, and wagged it in front of Plaintiff.** Plaintiff was disgusted by Ignacio Cipriani's action and immediately walked away.
24. Similarly, in or around mid-May 2019, Defendant CIPRIANI invited Plaintiff to 1Oak after work. Plaintiff did not believe she could turn down her boss' invitation and said she would go only if Defendants' "Supervisor," Silvia Porcu, and her coworker, Sharleen (last name

currently unknown) attended as well. As a result, all four of them left the restaurant and got in a taxicab headed to 1Oak. Plaintiff, who was still wearing her work uniform<sup>1</sup>, sat behind the driver's seat, while Defendant CIPRIANI sat in the middle of the back seat and Sharleen sat behind the front passenger seat.

25. Shortly after they got into the taxicab, Defendant CIPRIANI **placed his hand on Plaintiff's leg, slid it up Plaintiff's miniskirt, and tried to touch Plaintiff's vagina.** Plaintiff immediately pushed Defendant CIPRIANI's hand away and told him to stop. Nevertheless, **Defendant CIPRIANI tried to put his hand up Plaintiff's mini skirt two (2) more times over the course of the taxi ride.**

26. Then, in or around late May 2019, Harvey Weinstein began frequenting Defendant CIPRIANI DOWNTOWN SOCIALISTA. Defendant CIPRIANI and Harvey Weinstein were close friends and Harvey Weinstein allegedly used restaurants and/or bars, in which Defendant CIPRIANI was an investor/owner, as his "hunting grounds<sup>2</sup>" for his sexual deviance and/or assaults.

27. Despite the numerous reports and accusations of Harvey Weinstein's sexual predation, and the international media attention regarding those accusations, as well as the rise of the #metoo movement, Defendants still allowed him to frequent Defendant CIPRIANI DOWNTOWN SOCIALISTA.

28. Defendants knowingly placed Plaintiff, and other female employees, in Harvey Weinstein's crosshairs.

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<sup>1</sup> Respondent required Plaintiff to wear high heels, a black mini-skirt, and a white button-down shirt.

<sup>2</sup> <https://www.thedailybeast.com/the-nightclub-king-whose-properties-were-harvey-weinsteins-hunting-ground>; <https://pagesix.com/2018/06/25/harvey-weinstein-used-cipriani-properties-as-hunting-grounds/>

29. Shortly after he began frequenting Defendant CIPRIANI DOWNTOWN SOCIALISTA, Harvey Weinstein started requesting that he be personally served by Plaintiff. Plaintiff was very uncomfortable around Harvey Weinstein because of his reputation and asked Ms. Porcu that she not be required to serve him. Nevertheless, Ms. Porcu repeatedly told Plaintiff, “You have to serve him, it is your job.”
30. In or around late May 2019, Harvey Weinstein asked Plaintiff for her telephone number. Although Plaintiff did not want to provide him with her number, she feared retaliation because she knew he and Defendant CIPRIANI were close friends and because of the way Ms. Porcu responded to her earlier requests to not be assigned to serve him. As a result, she provided him with her telephone number.
31. Shortly thereafter, while at Defendant CIPRIANI DOWNTOWN SOCIALISTA, Harvey Weinstein began grooming Plaintiff for a sexual relationship or encounter. For instance, Harvey Weinstein would ask Plaintiff questions about her background and “Do you want to be famous?” Harvey Weinstein also asked Plaintiff to get coffee with him. Plaintiff always declined Harvey Weinstein’s invitations and kept her interactions with him as short as possible.
32. Additionally, Harvey Weinstein began text messaging Plaintiff and asked her out to coffee or to call him. Plaintiff always declined Harvey Weinstein’s invitation.
33. For example, on or about May 21, 2019, Plaintiff text messaged Harvey Weinstein, “Thanks for the invite but I rather keep it as is :) if you are my guest at [Defendant CIPRIANI DOWNTOWN SOCIALISTA] I can make myself available for a quick chat, but outside of work [I] prefer not too (sic). I hope you understand.” Nevertheless, Harvey Weinstein continued to call and/or text message Plaintiff.

34. Eventually, on or about May 22, 2019, Harvey Weinstein responded to Plaintiff, “Now I know how invisible man feels One call seniorita , Por favor ? Tell me a time !” Plaintiff did not respond to the text message.
35. A few days later, in or around late May 2019, Harvey Weinstein called Plaintiff and left her a voicemail. In the voicemail, he said “I am having dinner with [Defendant CIPRIANI] tonight ... I don’t know if you are working or not but just text me and let me know if you are and I will come say hello.” Plaintiff did not return the telephone call.
36. In or around early June 2019, at the end of the night, for the last time, **Defendant CIPRIANI asked Plaintiff to come over to his apartment.** Plaintiff replied, “Thanks for the invite but I am just going to go home.” Defendant CIPRIANI asked Plaintiff, “Why not? I will drop you off afterwards.” Plaintiff told Defendant CIPRIANI, “No, I don’t want to.” After Plaintiff again rejected Defendant CIPRIANI’s sexual advances, his face changed to display his disappointment. At this point, it was clear to Defendant CIPRIANI that Plaintiff would not engage in a sexual relationship with him.
37. In or around early June 2019, Harvey Weinstein was at Defendant CIPRIANI DOWNTOWN SOCIALISTA with his “Assistant,” Jane Doe (first name and last name being fictitious). Over the course of the night, Ms. Doe approached Plaintiff a number of times and told her, “Harvey really wants to hang out with you.” Plaintiff repeatedly told Ms. Doe that she was not interested and to leave her alone.
38. Plaintiff again told Ms. Porcu that she did not want to serve Harvey Weinstein anymore and was very uncomfortable with his pursuit of a relationship with her. Ms. Porcu reiterated that Plaintiff needed to serve Harvey Weinstein when he was there because it was her job.

39. Defendants were aware of Harvey Weinstein's sexual pursuit and harassment of Plaintiff but did nothing to remedy it or prevent future harassment.
40. In or around mid-June 2019, Plaintiff slipped and fell down Defendant CIPRIANI DOWNTOWN SOCIALISTA's stairs and injured her knees. Due to her injuries, Plaintiff could not work again before Defendant CIPRIANI DOWNTOWN SOCIALISTA closed in July.
41. However, when Defendant CIPRIANI DOWNTOWN SOCIALISTA reopened in September 2019, Plaintiff was not contacted about her schedule.
42. Plaintiff was taken off of Defendants' schedule because she rejected Defendant CIPRIANI's, as well as Harvey Weinstein's, sexual advances and complained of such behavior.
43. Plaintiff's continued employment, and the benefits and conditions of such employment, were based on her submission to and/or refusal of Defendant CIPRIANI and/or Harvey Weinstein's sexual advances.
44. Defendants would not have harassed Plaintiff but for her sex/gender.
45. Defendants would not have retaliated against Plaintiff but for her sex/gender.
46. Defendants condoned the acts of sexual harassment by Harvey Weinstein against Plaintiff.
47. Defendants failed to take any action to protect Plaintiff, despite being aware of Harvey Weinstein's sexual predation and the fact that Plaintiff was uncomfortable around him.
48. As a result of Defendants' actions, Plaintiff felt extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.
49. As a result of Defendants' discriminatory and intolerable treatment of Plaintiff, she suffered and continues to suffer severe emotional distress and physical ailments.

50. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer the loss of income, the loss of a salary, bonuses, benefits and other compensation which such employment entails, and Plaintiff has also suffered future pecuniary losses, emotional pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

51. As Defendants' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law, Plaintiff demands Punitive Damages as against all Defendants, jointly and severally.

**AS A FIRST CAUSE OF ACTION  
UNDER TITLE VII  
DISCRIMINATION  
(AS AGAINST DEFENDANT CIPRIANI DOWNTOWN SOCIALISTA ONLY)**

52. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

53. This claim is authorized and instituted pursuant to the provisions of Title VII of the Civil Rights Act of 1964; 42 U.S.C. Section 2000e *et seq.*, as amended, for relief based upon the unlawful employment practices of the above-named Defendants. Plaintiff complains of Defendants' violation of Title VII's prohibition against discrimination in employment based, in whole or in part, upon an employee's sex/gender.

54. Defendants engaged in unlawful employment practices prohibited by 42 U.S.C. §2000e *et seq.*, by discriminating against Plaintiff because of her sex/gender.

**AS A SECOND CAUSE OF ACTION  
UNDER TITLE VII  
RETALIATION  
(AS AGAINST DEFENDANT CIPRIANI DOWNTOWN SOCIALISTA ONLY)**

55. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

56. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-3(a) provides that it shall be an unlawful employment practice for an employer:

“(1) to ... discriminate against any of his employees ... because [s]he has opposed any practice made an unlawful employment practice by this subchapter, or because [s]he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.”

57. Defendant CIPRIANI DOWNTOWN SOCIALISTA engaged in an unlawful employment practice, prohibited by 42 U.S.C. §2000e et seq. by discriminating against Plaintiff with respect to the terms, conditions, or privileges of employment because of her opposition to the unlawful employment practices.

**AS A THIRD CAUSE OF ACTION  
UNDER STATE LAW  
DISCRIMINATION**

58. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

59. Executive Law § 296 provides that “1. It shall be an unlawful discriminatory practice: “(a) For an employer or licensing agency, because of an individual's . . . sex to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.”

60. Defendants engaged in an unlawful discriminatory practice by discriminating against the Plaintiff because of her sex, together with sexual harassment, *quid pro quo* sexual harassment,

and creating a hostile work environment.

61. Plaintiff hereby makes a claim against Defendants under all applicable paragraphs of Executive Law Section 296.

**AS A FOURTH CAUSE OF ACTION  
UNDER STATE LAW  
RETALIATION**

62. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

63. New York State Executive Law §296(7) provides that it shall be an unlawful discriminatory practice:

“For any person engaged in any activity to which this section applies to retaliate or discriminate against any person because he or she has opposed any practices forbidden under this article or because her or she has filed a complaint, testified or assisted in any proceeding under this article.”

64. Defendants engaged in an unlawful and retaliatory discriminatory practice by retaliating, and otherwise discriminating against Plaintiff, because of her opposition to Defendants’ unlawful employment actions.

**AS A FIFTH CAUSE OF ACTION  
UNDER STATE LAW  
AIDING AND ABETTING**

65. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

66. New York State Executive Law §296(6) provides that it shall be an unlawful discriminatory practice:

“For any person to aid, abet, incite compel or coerce the doing of any acts forbidden under this article, or attempt to do so.”

67. Defendants engaged in an unlawful discriminatory practice in violation of New York State Executive Law §296(6) by aiding, abetting, inciting, compelling, and coercing the discriminatory conduct.

**AS A SIXTH CAUSE OF ACTION  
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE  
DISCRIMINATION**

68. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

69. The Administrative Code of City of New York, Title 8, §8-107 [1] provides that “It shall be an unlawful discriminatory practice: (a) For an employer or an employee of agent thereof, because of the actual or perceived ... sex ... of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

70. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8, §8-107(1)(a) by creating and maintaining discriminatory working conditions, and otherwise discriminating against the Plaintiff on the basis of her sex/gender, together with sexual harassment, *quid pro quo* sexual harassment, and creating a hostile work environment.

**AS A SEVENTH CAUSE OF ACTION  
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE  
RETALIATION**

71. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

72. The New York City Administrative Code Title 8-107(7) provides that:

“It shall be unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter, (ii) filed a complaint, testified or assisted in any proceeding under this chapter, (iii) commenced a civil action alleging the commission of an act which would be an unlawful discriminatory practice under this chapter...”

73. Defendants engaged in an unlawful and retaliatory discriminatory practice by retaliating, and otherwise discriminating against Plaintiff.

**AS AN EIGHTH CASE OF ACTION  
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE  
AIDING & ABETTING**

74. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

75. The New York City Administrative Code Title 8-107(6) provides that it shall be an unlawful discriminatory practice, “For any person to aid, abet, incite, compel or coerce the doing of any acts forbidden under this chapter, or attempt to do so.”

76. Defendants engaged in an unlawful discriminatory practice by aiding, abetting, inciting, compelling, and coercing the discriminatory conduct.

**WHEREFORE**, Plaintiff respectfully requests a judgment against the Defendants:

- A. Declaring that the Defendants engaged in unlawful employment practices prohibited by Title VII, the New York State Executive Law, and the Administrative Code of the City of New York on the basis of Plaintiff’s sex/gender, together with sexual harassment, *quid pro quo* sexual harassment, creating a hostile work environment, retaliation, and unlawful termination;
- B. Awarding damages to the Plaintiff for any lost wages and benefits, past and future, back pay and front pay, resulting from Defendants’ unlawful employment practices;

- C. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to reputation in an amount in excess of the jurisdiction of all lower courts;
- D. Awarding Plaintiff Punitive Damages;
- E. Awarding Plaintiff attorneys' fees, costs, and expenses incurred in the prosecution of the action;
- F. Awarding Plaintiff such other and further relief as the Court may deem equitable, just, and proper to remedy the Defendants' unlawful employment practices.

**JURY DEMAND**

Plaintiff requests a jury trial on all issues to be tried.

**WHEREFORE**, Plaintiff demands judgment against Defendants, jointly and severally, in an amount to be determined at the time of trial plus interest, punitive damages, attorneys' fees, costs, and disbursements of action; and for such other relief as the Court deems just and proper.

Dated: New York, New York  
November 20, 2020

**Arcé Law Group, P.C.**  
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