



## **FOR IMMEDIATE RELEASE**

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### **Worker Justice Center of New York Files Class Action Against Mount Kisco Diner For Array of Labor Violations, Racial Discrimination and Sexual Harassment**

Kingston, NY – On April 18, 2019, the Worker Justice Center of New York (WJCNY) filed a complaint in U.S. District Court on behalf of three former employees of Three Diamond Diner Corp. (d/b/a Mount Kisco Diner). The lawsuit, seeking collective and class action status to benefit an estimated 150 current and former employees, alleges that the company's treatment of its workers violates the minimum wage, overtime, tip credit and unlawful deductions provisions of the federal Fair Labor Standards Act and analogous provisions of New York Labor Law. It also seeks relief under federal and state law for racial discrimination perpetrated by the Mount Kisco Diner and its owners against their predominantly Hispanic workforce, as well as sexual harassment which targeted certain female employees.

The defendant, Mount Kisco Diner, is a popular and highly profitable restaurant catering to northern Westchester County clientele. Plaintiffs allege that the company routinely paid them less than the applicable federal and state minimum wage, failed to pay overtime compensation when required, often paid them nothing whatsoever for hours worked and unlawfully confiscated portions of patron's tips for service staff. The Plaintiffs also describe a hostile work environment permeated with derogatory racial statements by the owners and management toward Hispanic employees and preferential treatment for non-Hispanic staff. Two of the Plaintiffs allege a pattern of sexual harassment by the Defendants, including repeated unwanted sexual advances and demeaning treatment during work hours. The plaintiffs are seeking restitution for their earned but unpaid wages, liquidated damages and reasonable attorneys' fees, costs, and interest, as well as declaratory relief.

“I hope that with our lawsuit, we can achieve better treatment for the workers. That the hours are paid like they're supposed to be,” says Plaintiff Aidee Geronimo-Romero.

The Plaintiffs in this case are represented by the Worker Justice Center of New York. WJCNY Staff Attorneys Laura Revercomb and Maureen Hussain, and WJCNY Legal Director Robert McCreanor, serve as attorneys of record in the litigation and are assisted by WJCNY Paralegal Nathalia Rosado-Oliveras and Worker Rights Advocate Cristian Avila. WJCNY is a non-profit organization that pursues justice for those denied human rights with a focus on agricultural and other low wage workers, through legal representation, community empowerment and advocacy for institutional change. WJCNY’s Litigation Program builds on decades of success in achieving justice for victims of wage theft and other workplace abuses throughout New York State. Our offices have represented thousands of low-wage workers across industries such as agriculture, construction, food and service, and domestic work and recovered over \$10 million in unpaid wages on behalf of our clients.

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