

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

EQUAL EMPLOYMENT OPPORTUNITY	:	
COMMISSION AND STEFANIE HOROWITZ,	:	
Plaintiffs	:	CIVIL ACTION NO.
	:	3:06-CV-01287 (WWE)
VS.	:	
	:	
BENNI'S, LLC, d/b/a BENNIGAN'S	:	
Defendant	:	DECEMBER 20, 2006

COMPLAINT OF PLAINTIFF-INTERVENOR

Stefanie Horowitz (“Ms. Horowitz”), Plaintiff-Intervenor, files this Complaint in the above-captioned action against Benni's, LLC, *d/b/a* Bennigan's (“Benni’s, LLC”) and states the following:

NATURE OF THE ACTION

This action was originally commenced by a Complaint dated August 17, 2006 (“Complaint”) filed by the Equal Employment Opportunity Commission (“EEOC”) under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex by Benni’s, LLC , and to make whole Ms. Horowitz and a class of other similarly situated women affected by Benni’s, LLC’s discriminatory practices. As alleged in the EEOC Complaint, and in greater detail below, Benni’s, LLC subjected Ms. Horowitz to discrimination on the basis of

sex by creating and failing to remedy a hostile work environment and by constructively discharging Ms. Horowitz.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. The pending action was originally authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and (3).

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Connecticut.

PARTIES

3. The Plaintiff-Intervenor, Ms. Horowitz, is an individual who resides at 16 Rockmeadow Road W., Norwalk, Connecticut 06850.

4. At all relevant times, Benni's, LLC has continuously been a New York corporation doing business in the State of Connecticut, and has continuously had at least 15 employees.

5. At all relevant times, Benni's, LLC has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000e(b), (g) and (h).

STATEMENT OF CLAIMS

Count I

6. More than thirty days prior to the filing of the EEOC Complaint, Ms Horowitz filed a charge with the EEOC alleging violations of Title VII by Benni's, LLC. All conditions precedent to the EEOC's institution of this lawsuit have been fulfilled

7. Since at least 2003, Benni's, LLC has engaged in unlawful employment practices in violation of Section 703 (a) of Title VII, 42 U S C. §2000 e-2(a). These practices included, but are not limited to, the following:

- (a) Managers at Benni's, LLC Stamford, Connecticut location subjected Ms. Horowitz to offensive, sexually-harassing conduct including, but not limited to, unwanted and inappropriate touching, sexual advances, sexual comments, and other unwelcome and offensive conduct, which created a sexually hostile work environment. Examples include, but are not limited to, the following:
 - (i) Ms. Horowitz was subject to inappropriate, unwanted touching by several of her male managers. Aris Konstantinidis ("Konstantinidis"), a District Manager/Director of Operations, frequently kissed Ms. Horowitz and other female employees on the back of their necks while commenting on their beauty. A manager responsible for training Ms. Horowitz, Eli Reed, also pinched and grabbed Ms Horowitz's buttocks repeatedly. A kitchen manager, Tino Popescu ("Popescu"), followed Ms. Horowitz into a storage closet, flickering the lights and saying "*Three hours in here with me baby...*". When Ms. Horowitz attempted to leave the closet, Popescu blocked her path, grabbed her wrist, and jerked her towards him. After Ms. Horowitz demanded Popescu let her go and exclaimed that he was hurting her, Popescu pulled Ms. Horowitz closer and kissed her hand before releasing her.

- (ii) Although Ms. Horowitz rebuffed their sexual advances and expressed her discomfort with their sexual comments, several of the male managers at Benni's, LLC repeatedly made sexually suggestive remarks, often in the presence of other women, that included, but were not limited to:
- Konstantinidis' repeated attempts to get Ms Horowitz and other women to go out with him;
 - General Manager Mike Barndollar's ("Barndollar") requests that Ms. Horowitz date him or go with him to a storage area in the back of the restaurant reputed to be the site of previous sexual encounters between employees;
 - Barndollar's numerous remarks about oral sex and the size of Ms. Horowitz's breasts and buttocks, and his desire to rub his face on her chest; and
 - Popescu's fabricated claim that money was missing from Ms. Horowitz's register and his subsequent assurance that he would overlook the missing money if Ms Horowitz would give him a kiss
- (b) When Ms. Horowitz complained to supervisors about the harassing conduct, including two female managers and the woman Ms. Horowitz believed to be a franchise owner of the Stamford-based Benni's, LLC location, her complaints were ignored and met with comments like "*He's a dirty man,*" and "*Sorry to hear that, honey.*"
- (c) Benni's, LLC failed to distribute any sexual harassment policy to Ms. Horowitz and other women, and failed to train its managers regarding sexual harassment.
- (d) As a result of the harassment and Benni's, LLC's failure to respond appropriately to her requests that something be done to stop the harassment, Ms. Horowitz felt that she could not return to work for Benni's, LLC and was constructively discharged.

8. Benni's, LLC's practices deprived Ms. Horowitz and other similarly situated individuals of equal employment opportunities and otherwise adversely affected their employment because of their sex

9. Benni's, LLC's unlawful employment practices were intentional.

10. Benni's, LLC's unlawful employment practices were done with malice or with reckless indifference to the federally protected rights of Ms. Horowitz and other similarly situated women

Count II

11 - 20. Paragraphs 1 through 10 of Count I are hereby incorporated by reference and made paragraphs 11 through 20 of Count II.

21. Benni's, LLC destroyed its personnel records during renovations in July 2004.

22. Benni's, LLC failed to preserve personnel records in violation of Title VII and 29 C.F.R. §1602.14.

PRAYER FOR RELIEF

WHEREFORE, Ms. Horowitz, respectfully requests this Court to enter:

- (a) A money judgment representing compensatory damages, including lost wages, bonuses and all other sums of money, with interest on said amounts;
- (b) An Order directing Benni's, LLC to reinstate Ms. Horowitz or, in the alternative, front pay for seven (7) years;
- (c) A money judgment representing punitive damages;
- (d) A money judgment representing interest on this Court's award from the date of Ms. Horowitz's termination until the date of payment on a compound basis;
- (e) A money judgment to recoup any tax loss suffered by Ms. Horowitz as a result of receiving a lump sum award;
- (f) Compensatory damages for the personal injury suffered by Ms. Horowitz;
- (g) That the Court retain jurisdiction over this action until Benni's, LLC has fully complied with the Orders of this Court and that the Court require Benni's, LLC to file such reports as may be necessary to supervise such compliance;
- (h) The costs of suit, including an award of reasonable attorneys' fees; and
- (i) Such other and further relief as the Court may deem to be just and proper.

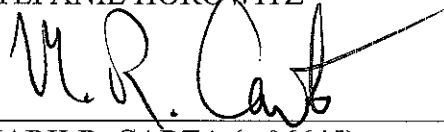
JURY TRIAL DEMAND

Ms. Horowitz requests a jury trial on all questions of fact raised by her Complaint.

Dated at Darien, Connecticut this 20th day of December, 2006.

THE PLAINTIFF-INTERVENOR
STEFANIE HOROWITZ

BY:



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