

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

**LIGIA B. PAREDES,**  
On behalf of herself and all others  
similarly situated,  
**Plaintiff,**

v.

**DEL FRISCO'S RESTAURANT GROUP, LLC;**  
and **DEL FRISCO'S OF NEW YORK, INC.,**

**Defendants.**

Plaintiff designates  
**COUNTY OF NEW YORK**  
As the place of trial

Index No.:

08115267

The basis of the venue is  
**DEFENDANTS' PLACE OF  
BUSINESS**

To the above named defendants:

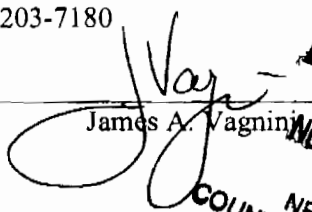
**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Garden City, New York  
November 7, 2008

Attorney(s) for Plaintiff

VALLI KANE & VAGNINI, LLP  
600 Old Country Road, Suite 519  
Garden City, NY 11530  
516-203-7180

By:

  
James A. Vagnini

**FILED**

NOV 13 2008

NEW YORK  
COUNTY CLERK'S OFFICE

TO: DEL FRISCO'S RESTAURANT GROUP, LLC  
DEL FRISCO'S OF NEW YORK, INC.

VALLI KANE & VAGNINI, LLP  
Attorneys for Plaintiff  
600 OLD COUNTRY ROAD, Suite 519  
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(516) 203-7180

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

LIGIA B. PAREDES,  
On behalf of herself and all others  
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**Plaintiff,**

v.

DEL FRISCO'S RESTAURANT GROUP, LLC;  
and DEL FRISCO'S OF NEW YORK, INC.,  
**Defendants.**

CLASS COMPLAINT

Case No.

JURY TRIAL DEMANDED

**FILED**  
NOV 13 2008  
08115267

NEW YORK  
COUNTY CLERK'S OFFICE

Plaintiff, Ligia B. Paredes, on behalf of herself and others similarly situated, by and through her attorneys, VALLI KANE & VAGNINI, LLP, brings this action for damages and other legal and equitable relief from the Defendants' violation of the laws proscribing discrimination based on national origin, ethnicity, and retaliation, as well as for New York State Labor Law violations, stating the following as Plaintiff's claims against Del Frisco's Restaurant Group, LLC, and Del Frisco's of New York, Inc. ("Defendants"):

INTRODUCTION

1. Plaintiff brings this action against Defendants for their engagement in a systematic scheme of discrimination and for committing acts of retaliation, as well as violations of New York State labor laws and retaliation for complaints about these violations. The scheme involved, *inter alia*, disparate treatment of Hispanic employees and failing to allow Hispanic employees to take meal breaks as required by state law. As a result, Defendants' acts constitute

violations of the New York State Executive Law § 290, et seq.; New York City Administrative Code § 8-101 to 131, et seq.; New York State Labor Law § 162, et seq.; and New York State Labor Law § 215, et seq.

### **JURISDICTION AND VENUE**

2. Venue is proper in this county under CPLR §503.
3. Defendants transact business in New York County and throughout the United States. The course of conduct charged herein occurred in New York County.
4. Defendants are within the jurisdiction of this Court. Defendants operated numerous restaurants within the County of New York, the State of New York, and throughout the United States.

### **PARTIES**

5. Plaintiff, Ligia Paredes (“Paredes” or “Plaintiff”), is a citizen of New York and resides in Kings County, New York.
6. Upon information and belief, Defendant Del Frisco’s of New York, Inc. is a corporation organized under the laws of the State of New York and has a principle place of business within New York County, New York.
7. Upon information and belief, Defendant Del Frisco’s Restaurant Group, LLC is a limited liability corporation organized under the laws of the State of Delaware and has a principle place of business within Sedgwick County, Kansas, at 224 East Douglas, Suite 700, Wichita, Kansas, 67202.

### CLASS ALLEGATIONS

8. The Plaintiff, a Hispanic female, is an individual who, within the applicable period of limitations prior to the commencement of this action, was employed by Defendants in New York County. Plaintiff brings this case as a class action pursuant to CPLR §901, et seq., on behalf of two classes defined as follows:

Discrimination Class: All current and former Hispanic hourly kitchen staff employees of Defendant's Del Frisco's NYC restaurant during the period of February 2000 to the present (the "Discrimination Class");

Meal Break Class: All current and former hourly kitchen staff employees of Defendant's Del Frisco's NYC restaurant during the period of February 2000 to the present (the "Meal Break Class").

9. Plaintiff believes that there are at least 100 present and formerly employed hourly paid employees in each of the Classes. Given Defendants' size and the systematic nature of Defendants' discrimination and failure to comply with New York statutory and common law, the members of the Classes are so numerous that joinder of all members is impractical.

10. Plaintiff's claims are typical of the claims of the Class members because she was an hourly employee who, like the Class members, sustained damages arising out of Defendants' failure to provide meal and rest periods.

11. Plaintiff will fairly and adequately protect the interests of the Class members. Plaintiff has retained counsel competent and experienced in complex, class action litigation.

12. Class action treatment is superior to the alternatives for the fair and efficient adjudication of the controversy alleged herein. Such treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously,

efficiently, and without the duplication of effort and expenses that numerous individual actions would entail. The Classes are readily identifiable from the Defendants' records.

13. Without a class action, Defendants will retain the benefit of their wrongdoing and will continue a course of action, which will result in further damages to the Classes.

#### **PLAINTIFF'S FACTS**

14. Plaintiff Ligia Paredes is a Hispanic female.

15. Defendants own and operate upscale steakhouses across the country. Six of these steakhouses are part of the Del Frisco's Double Eagle Steakhouse group, which includes Del Frisco's Double Eagle Steakhouse located at 1221 Avenue of the Americas, New York, New York 10020.

16. Plaintiff was hired as an employee by Defendants in February 2000 to work at Del Frisco's Double Eagle Steakhouse located in New York, New York. Plaintiff was hired to work as kitchen staff and was assigned duties that included food preparation and silverware preparation.

17. Defendants typically assign kitchen staff positions and duties to persons of Hispanic descent, whereas wait-staff and hosting positions are reserved for white employees.

18. Plaintiff's day shifts typically started at 9:00 a.m. and lasted until 4:00 p.m. Evening/night shifts typically started at 4:00 p.m. and lasted until 12:00 midnight.

19. During Plaintiff's employment, Defendants failed to provide meal breaks and/or rest breaks for all kitchen staff, including Plaintiff. Plaintiff was forced to work on her feet for the entire duration of her approximately seven to eight hour shift with no breaks. This work is extremely exhausting. Not being able to have a meal break or even a chance to sit down to rest

over the course of the entire shift while working in the hot, stressful kitchen was almost unbearable.

20. While the Hispanic kitchen workers were forced to work the entire shift without a break, white employees working as wait-staff and/or hosts were provided with meal breaks and/or rest breaks during the course of their shift.

21. In early March 2008, Plaintiff notified the New York State Department of Labor (“DOL”) of Defendants’ failure to provide meal breaks and/or rest breaks to certain employees, as is required by New York law. Soon thereafter, the DOL visited Defendants’ place of business and interviewed numerous employees.

22. On or about March 20, 2008, Plaintiff received notice that the New York State Department of Labor completed their investigation into Defendants’ labor practices and found that Defendants violated the law. Defendants were notified of this finding and their violations.

23. In or about April 2008, Plaintiff fell ill and called into work. She spoke with her supervisor Henry Jimenez and told him that she could not come into work that day due to her illness. Shortly thereafter, on April 23, 2008, Plaintiff was notified that her employment was terminated for failure to notify the restaurant that she would not be coming into work that day. This reason was false as Plaintiff had indeed telephoned her supervisor and told him that she would not be coming in.

24. Upon information and belief, Defendants’ terminated Plaintiff in retaliation for notifying the New York State Department of Labor about Defendants’ failure to provide all qualified employees with meal breaks and/or rest breaks as is required under New York State Labor Laws.

25. Plaintiff, and those similarly situated were not given the same rights as others because of her national origin/ethnicity. She was disparately treated by Defendants' under their policies and actions which are meant to adversely affect those employees of Hispanic decent. When Defendants' policies were brought to the attention of the proper officials by Plaintiff, they promptly fabricated a pretextual excuse for terminating her and hoped that she would remain silent about their illegal practices.

26. Plaintiff now has brought suit to right the wrongs which are being committed by Defendants and to find recourse for the wrongs committed against her and those similarly situated.

**CLASS CAUSES OF ACTION**

**AS AND FOR PLAINTIFF AND THE DISCRIMINATION CLASS'  
FIRST CAUSE OF ACTION:  
VIOLATION OF NEW YORK STATE HUMAN RIGHTS LAW  
AGAINST ALL DEFENDANTS**

27. Plaintiff repeats and realleges the allegations contained in the paragraphs above, as if fully set forth herein.

28. Because Defendants have disparately treated Plaintiff and the Class as compared to non-Hispanic employees, they are in violation of New York States Human Rights Law. Defendants have engaged in the practice of discrimination against Plaintiff and the Class due to their national origin and/or ethnicity.

29. Plaintiff's requests for relief are set forth below.

**AS AND FOR PLAINTIFF AND THE DISCRIMINATION CLASS'  
SECOND CAUSE OF ACTION:  
NEW YORK CITY HUMAN RIGHTS LAW  
AGAINST ALL DEFENDANTS**

30. Plaintiff repeats and realleges the allegations contained in the paragraphs above, as if fully set forth herein.

31. Because Defendants have disparately treated Plaintiff and the Class as compared to similarly situated, non-Hispanic employees, they are in violation of Title of the Administrative Code, the New York City Human Rights Law. Defendants have engaged in the practice of discrimination against Plaintiff and the Class due to their national origin and/or ethnicity.

32. Plaintiff's requests for relief are set forth below.

**AS AND FOR PLAINTIFF AND THE MEAL BREAK CLASS'  
THIRD CAUSE OF ACTION:  
NEW YORK LABOR LAW § 162  
AGAINST ALL DEFENDANTS**

33. Plaintiff repeats and realleges the allegations contained in the paragraphs above, as if fully set forth herein.

34. The conduct alleged herein violates New York Labor Law § 162 as Defendants have failed to allow persons employed by Defendants to take meal breaks during the course of their employment. Such breaks are statutorily required and when employees are denied such rights they are due damages.

35. Plaintiff's requests for relief are set forth below.

**PLAINTIFF'S INDIVIDUAL CAUSES OF ACTION**

**AS AND FOR PLAINTIFF'S FIRST CAUSE OF ACTION:  
VIOLATION OF NEW YORK STATE HUMAN RIGHTS LAW  
AGAINST ALL DEFENDANTS**

36. Plaintiff repeats and realleges the allegations contained in the paragraphs above, as if fully set forth herein.



37. The conduct alleged herein violates New York State Human Rights Law as Defendants have engaged in the practice of retaliation against Plaintiff. After making a complaint relating to Defendants' illegal practices, Defendants terminated Plaintiff.

38. Plaintiff's requests for relief are set forth below.

**AS AND FOR PLAINTIFF'S SECOND CAUSE OF ACTION:  
NEW YORK CITY HUMAN RIGHTS LAW  
AGAINST ALL DEFENDANTS**

39. Plaintiff repeats and realleges the allegations contained in the paragraphs above, as if fully set forth herein.

40. The conduct alleged herein violates Title 8 of the Administrative Code, New York City Human Rights Law, as Defendants have engaged in the practice of retaliation against Plaintiff. After making a complaint relating to Defendants' illegal practices, Defendants terminated Plaintiff.

42. Plaintiff's requests for relief are set forth below.

**AS AND FOR PLAINTIFF'S THIRD CAUSE OF ACTION:  
NEW YORK LABOR LAW § 215  
AGAINST ALL DEFENDANTS**

41. Plaintiff repeats and realleges the allegations contained in the paragraphs above, as if fully set forth herein.

42. The conduct alleged herein violates New York Labor Law § 215 as Defendants have engaged in the practice of retaliation against Plaintiff. After making a complaint relating to Defendants' illegal practices, Defendants terminated Plaintiff.

43. Plaintiff's requests for relief are set forth below.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff and the Classes demand judgment against Defendants as follows:

44. Preliminary and permanent injunctions against Defendants and their officers, owners, agents, successors, employees, representatives, and any and all persons acting in concert with them, from engaging in each of the unlawful practices, policies, customs, and usages set forth herein;

45. A judgment declaring that the practices complained of herein are unlawful and in violation of New York State Executive Law § 290, et seq.; New York City Administrative Code § 8-101 to 131, et seq.; New York State Labor Law § 162; and New York State Labor Law § 215;

46. All damages which Plaintiff and the Classes have sustained as a result of Defendants' conduct, including back pay, front pay, general and special damages for lost compensation and job benefits they would have received but for Defendants' discriminatory practices;

47. An award to the Plaintiff and the Classes of compensatory damages, including but not limited to damages for emotional pain and suffering;

48. An award to the Plaintiff and Classes of pre-judgment interest at the highest level rate, from and after the date of service of the initial complaint in this action on all unpaid wages from the date such wages were earned and due;

49. An award to the Plaintiff and Classes for the amount of unpaid wages, including interest thereon, and penalties subject to proof;

50. Exemplary and punitive damages in an amount commensurate with Defendants' ability and so as to deter future malicious, reckless, and/or intentional conduct;

51. Awarding Plaintiff her costs and disbursements incurred in connection with this action, including reasonable attorneys' fees, expert witness fees, and other costs;

52. Reinstatement;

53. Pre-judgment and post-judgment interest, as provided by law; and

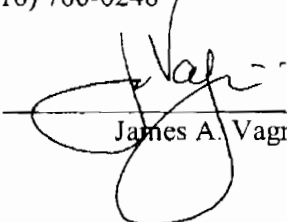
54. Granting Plaintiff other and further relief as this Court finds necessary and proper.

Dated: November 7, 2008

Respectfully submitted,

VALLI KANE & VAGNINI, LLP  
Attorneys for Plaintiff  
600 Old Country Road, Suite 519  
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Tel: (516) 203-7180  
Fax: (516) 706-0248

By: \_\_\_\_\_

  
James A. Vagnini

To: Del Frisco's Restaurant Group, LLC  
224 East Douglas, Suite 700  
Wichita, KS 67202

Del Frisco's of New York, Inc.  
1221 Avenue of the Americas  
New York, NY 10020

**ORIGINAL**

Index No.: \_\_\_\_\_ 2008

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COUNTY OF NEW YORK

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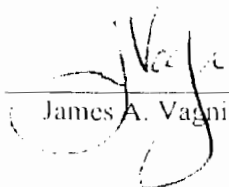
Defendants.  
-----X

**SUMMONS AND COMPLAINT**

VALLI KANE & VAGNINI LLP  
Attorneys for Plaintiff LIGIA B. PAREDES

600 Old Country Road, Suite 519  
Garden City, New York 11530  
516-203-7180

Signature pursuant to Rule 130-1.1a

  
\_\_\_\_\_  
James A. Vagnini, Esq.