

Mama Mexico Restaurants Violated Labor Laws, According to Workers' Legal Team

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An amended lawsuit filed Monday alleges that the "five star" Mama Mexico restaurants in New York and New Jersey violated federal and state labor laws by withholding minimum wages, overtime compensation and misappropriating employee tips, according to Outten & Golden LLP and Fitapelli & Schaffer, LLP.

The suit, which alleges violations of the federal Fair Labor Standards Act (FLSA), the New York Labor Law (NYLL) and the New Jersey Wage and Hour Law (NJWL), was filed on behalf of seven current and former workers who have worked at three Mama Mexico restaurant locations in New York City and Englewood Cliffs, N.J.

The lawsuit seeks to recover minimum wages, overtime compensation, misappropriated tips, and other wages for servers, bussers, runners, bartenders, and other hourly food service workers who have worked at the Mama Mexico restaurants. It also includes individual claims for retaliation, pregnancy discrimination, hostile work environment, and assault and battery.

Justin M. Swartz, Linda A. Neilan, and Rachel M. Bien, of Outten & Golden LLP's New York office, and Joseph A. Fitapelli and Brian S. Schaffer, of Fitapelli & Schaffer, LLP, of New York, represent the workers, and will seek to have the lawsuit certified as a class action.

Attorney Rachel M. Bien stated, "The extraordinary success of Mama Mexico and its immigrant founder, Juan Rojas Campos, is well known, but this success has come on the backs of the company's hourly employees."

Attorney Brian S. Schaffer stated, "Wage and hour violations in restaurants are nothing new but Mama Mexico restaurants appear to have hit a new low, violating many of our laws protecting workers' rights on a daily basis."

The lawsuit alleges that while Rojas Campos has been touted as "exemplify[ing] the American dream," his restaurants have denied workers minimum wages and overtime pay for the many hours they worked and, in some cases, failed to pay these workers any wages at all.

Attorney Justin M. Swartz stated, "Mr. Rojas Campos has posed for photos with Donald Trump, George Pataki, and other high-profile New Yorkers, and his life story appears on Mayor Bloomberg's campaign website, but he seems to have forgotten his own humble beginnings and the struggles of New York City's low-wage workers trying to make ends meet."

The defendants are Plaza Mexico, Inc., Piramides Mayas Inc., Mama Mexico Midtown Realty LLC, Shaddai Inc., Mama Mexico Englewood Realty LLC, Juan Rojas Campos, Vincente Rojas, Miguel Rojas, Laura Chavez, Jose Lombardi and Freddy Raymondi.

The case is "Benavidez, et al. v. Plaza Mexico, Inc., et al," U.S. District Court, Southern District of New York, Case No. 09 CIV 5076 (AKH)(ECF).