

## **Park Plaza Diner Sued in Class-Action Lawsuit**

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### **Former Waiter Alleges Brooklyn Heights Restaurant Underpaid Staff**

By Samuel Newhouse  
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CADMAN PLAZA — Tips or no tips, a former waiter is suing a well-known Brooklyn Heights diner for back wages that he claims he wasn't paid.

Attorneys for George Haritopoulos filed a class-action lawsuit Wednesday in Brooklyn federal court, which is located just across the street from the Park Plaza Restaurant & Bakery, where the plaintiff waiter once worked. The waiter is seeking, on behalf of himself and his co-workers, as much as \$5 million in damages.

“Park Plaza Restaurant has been an institution in Brooklyn Heights for over twenty-five years,” the complaint states. “The restaurant has received press in the New York Times for feeding New York’s criminal defendants and infamous mobsters, such as Vincent ‘The Chin’ Gigante and Peter, Gene and John Gotti.”

“Park Plaza Restaurant’s success, however, comes at the expense of their hourly service workers,” the complaint continues.

Haritopoulos claims that he and fellow employees were paid only about 74 cents to \$1.41 per hour while they worked at the popular dining spot at Cadman Plaza West and Pineapple Walk.

Federal and state law mandate that waiters, waitresses and bartenders, though receiving income via tips, also receive a base hourly wage from their employers in order to guarantee that they are paid at least minimum wage.

In fact, no matter how much a waiter or bartender makes in tips, employers of employees who receive tips are still required by law to pay a minimum hourly wage of \$2.13 by federal standards and \$4.65 in New York state.

While this law may mean that some Manhattan bartenders netting over \$1,000 per week are still entitled to an hourly wage, it also protects staff at small diners and eateries where tips are potentially infrequent.

“Someone doesn’t leave a \$20 tip at a diner,” said lead attorney Brian Schaffer, who is representing Haritopoulos. “Some people don’t tip at all.”

Wednesday morning, the law firm of Fitapelli & Schaffer filed Haritopoulos et al. v. Park Plaza Restaurant et al. in the U.S. District Court for the Eastern District of New York, which sits

adjacent to Cadman Park. Schaffer is the former judicial clerk of retired Brooklyn Supreme Court Justice Edward Rappaport. “The law is set up to give restaurant owners a break. If someone’s making decent tips, they only have to pay \$4.65, not \$7.25,” Schaffer said. “But no matter how much a waiter makes in tips, he’s still entitled to minimum wage and overtime.”

Schaffer says Haritopoulos only received weekly payments of about \$46 to \$54, even when he had worked more than 40 hours.

He is suing for Haritopoulos and other Park Plaza staff who have worked over the last seven years to be compensated for all regular and overtime hours where the minimum state and federal wages for food-service employees were not paid.

The Eagle spoke to Harry Likourentzos — who, along with three other Likourentzos family members, is named as a defendant — while he was manning the cash register Wednesday at the Park Plaza diner. It was the first time Likourentzos had seen the lawsuit. He refused to comment, citing the ridiculous nature of the suit.

The other three named defendants are Peter, Nick and Demetrius Likourentzos.

Schaffer claims that the Likourentzos’ and Park Plaza Restaurant Inc. failed to inform employees about the hourly wage they were entitled to and did not display the required poster explaining the U.S. Fair Labor Standards Act.

Some would suggest that bartenders making over \$50,000 annually in tips don’t care about small hourly wages, but Schaffer disagreed.

“People don’t complain because they don’t know,” he said. “This client didn’t really know that he wasn’t being paid correctly until he was let go.”

Haritopoulos, an immigrant from Greece in his 50s who lives alone in Astoria, worked at Park Plaza for seven years before losing his job after he mistakenly failed to charge a customer for a \$5 garden salad, Schaffer said.

“He was ok working there,” Schaffer said, saying that Haritopoulos did earn roughly minimum wage with his tips included. After losing his job, “he found out that he was being flat-out cheated,” Schaffer said. Similar allegations against the Park Plaza owners were made in a 2005 lawsuit filed by employees of the Likourentzos’ Sheepshead Bay restaurant, the Bay Plaza Seafood House, after the restaurant closed. That lawsuit concluded with a confidential settlement.