

Giuseppe Cipriani Accused of Labor Violations, Tip Withholding and 'Time Shaving,' According to Workers' Legal Team

NEW YORK, Dec. 22 /PRNewswire/ -- A lawsuit filed Monday alleges that the Giuseppe Cipriani's famed event, catering and restaurant enterprise violates federal and New York state labor laws, according to [Outten & Golden LLP](#) and Fitapelli & Schaffer, LLP.

The lawsuit, which alleges violations of the federal Fair Labor Standards Act (FLSA) and the New York Labor Law (NYLL), was filed in New York federal court on behalf of current and former servers, bartenders and a co-captain who have worked at various Cipriani locations, including Cipriani 42nd Street, Cipriani Wall Street, Cipriani 23rd Street, and the Rainbow Room.

According to the Complaint, Cipriani routinely kept the service charges that customers reasonably believed were going to the workers who provided their food and drinks. "In reality, however, Cipriani keeps the service charge itself and distributes none of it to the food service workers who staff these events," the lawsuit alleges.

Cipriani is also accused of engaging in a policy and practice of "time-shaving" - erasing time worked from the time records in order to pay workers for fewer hours than they worked.

Justin M. Swartz and Molly A. Brooks, 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 intended to recover, among other things, misappropriated service charges, misappropriated gratuities, and unpaid minimum wages.

Attorney Justin M. Swartz stated, "Cipriani claims to offer customers 'the finest of cuisine, impeccable attention to detail and classic service,' but they are doing so at the expense of the hardworking servers, bartenders, and other workers who make it all possible. The law is clear that workers are entitled to keep the tips that they earn."

Attorney Joseph A. Fitapelli stated, "Patrons at catered events often believe that their gratuities go to the wait staff that serve them. Unfortunately, at Cipriani catered events, this is not the case. We hope that this lawsuit will force Cipriani to change its policies and practices and pay its workers what they have earned."

Attorney Molly A. Brooks stated, "These workers deserve to be paid for the work they do. We assume that Mr. Cipriani's socially elite customers would expect his businesses to be in compliance with federal and state law."

The defendants are Giuseppe Cipriani; Cipriani USA, Inc.; Cipriani 200, LLC; Cipriani 42nd Street, LLC; Cipriani 42nd Street Lessee, LLC; GC Ballroom Operator, LLC; Cipriani Fifth Avenue, LLC; Exquisite Staffing, LLC; CBI Personnel, Inc.; and CTI Staffing, Inc.

The case is "Anthony Whitehurst, et al. v. Cipriani USA, Inc., et al," U.S. District Court, Southern District of New York, Case No. 09-cv-10370. The plaintiffs are Anthony Whitehurst, of Sunnyside, N.Y.; Kristen Schifferdecker of Sunnyside, N.Y.; Marshall Maor, of Bronx, N.Y.; Chao Williams, of Jersey City, N.J.; and Wendell Jordan, of Brooklyn, N.Y.

Attorney Contacts: Justin M. Swartz, Outten & Golden LLP, New York, 212.245.1000, www.outtengolden.com, and Joseph A. Fitapelli, Fitapelli & Schaffer, LLP, New York, 212.300.0375, www.fslawfirm.com.

SOURCE Outten & Golden LLP; Fitapelli & Schaffer, LLP