

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DEVON KUNZ

Plaintiff,

v.

BEACH AND BOURBON LBI LLC d/b/a
AZZURRI ITALIAN CUCINA, 8001
LONG BEACH BLVD LLC, KIM
DIDONATO, DANIEL DIDONATO, and
ANTHONY GENTILELLA,

Defendants.

Civil Action No.: 26-9843

**COMPLAINT
DEMAND FOR JURY TRIAL**

Plaintiff Devon Kunz, by her attorneys Emery Celli Brinckerhoff Abady Ward & Maazel LLP and the Law Offices of Jeffery E. Goldman, alleges as follows for her complaint:

PRELIMINARY STATEMENT

1. Azzurri Italian Cucina markets itself as a high-end restaurant on the Jersey Shore. But behind the kitchen doors, it is a sordid, dangerous, and hostile work environment for women, rife with severe and pervasive sexual harassment. Plaintiff Devon Kunz, a twenty-three year old host and then assistant manager at Azzurri, repeatedly complained but nothing was done to protect her and other women. Instead, Defendants and owners Daniel and Kim DiDonato enabled, participated in, and were deliberately indifferent to their friend and Head Chef Anthony Gentilella frequently touching Ms. Kunz's breasts and degrading her with sexist and sexual slurs and comments. Defendant Gentilella's kitchen staff followed his lead, culminating in a kitchen worker

trying to rape Ms. Kunz when they were closing the restaurant one night. When Ms. Kunz reported this assault to the police and Defendants and asked Defendants to have some time off to recover, Defendants retaliated by firing her.

2. From the outset, Plaintiff entered a workplace that lacked even the most basic safeguards against harassment. Defendants failed to provide sexual harassment training, failed to maintain meaningful reporting procedures, and failed to maintain or enforce any effective anti-harassment policies. Instead, management actively contributed to an atmosphere awash in sexual harassment and gender discrimination, even relying on security camera footage to promote sexual harassment and gossip about employees' relationships.

3. Within this environment, Defendant Anthony Gentilella, the restaurant's Head Chef, subjected Plaintiff to relentless sexual harassment. Gentilella routinely made sexually explicit propositions, demanded sexually suggestive photographs, and verbally degraded Plaintiff with gender-based insults such as "whore" and "bitch." His conduct escalated further when he repeatedly struck and flicked Plaintiff's breasts during work shifts, acts of physical sexual assault that occurred openly in the workplace and in the presence of other staff. Despite the obvious nature of this misconduct and Plaintiff's repeated complaints, Defendants failed to intervene or meaningfully discipline Gentilella and were deliberately indifferent to his repeated harassment.

4. Plaintiff repeatedly complained to management about Gentilella's conduct and the increasingly hostile environment at the restaurant. Rather than address these complaints, Defendants dismissed them. Plaintiff's supervisor even trivialized the misconduct as "jokes" and suggested that Plaintiff simply endure the behavior.

5. The environment Defendants created, one where sexual comments, humiliation, and physical misconduct were normalized, ultimately culminated in a far more serious assault. On

October 5, 2025, after most employees had left the restaurant, a dishwasher employed by Defendants physically attacked Plaintiff inside the restaurant, grabbing her breasts and attempting to drag her into a bathroom to rape her. Plaintiff managed to escape only by physically fighting off her attacker and fleeing the premises in a state of shock and panic.

6. Rather than support Plaintiff after she reported this assault to them and to the police, Defendants responded with pressure and retaliation, demanding that she return to work, and then terminating her employment when she was unable to immediately do so.

7. Defendants' conduct reflects a profound failure to protect employees from sexual harassment and assault and a conscious disregard for the legal protections guaranteed under federal and New Jersey law. Through their actions and omissions, Defendants created and perpetuated a hostile work environment, aided and abetted discriminatory conduct, and retaliated against Plaintiff for reporting unlawful behavior.

8. Plaintiff now brings this action to hold Defendants accountable for their violations of Title VII, the Fair Labor Standards Act ("FLSA"), the New Jersey Law Against Discrimination ("NJLAD"), the New Jersey Wage and Hour Law ("NJWHL"), the New Jersey Wage Payment Law ("NJWPL"), and the New Jersey Security and Financial Empowerment Act ("NJ SAFE") to obtain redress for the profound harm inflicted upon her.

PARTIES

9. Plaintiff Devon Kunz ("Plaintiff" or "Ms. Kunz") is an adult female who resides in the Commonwealth of Pennsylvania.

10. Plaintiff, at all times relevant hereto, was a "person" and an "employee" entitled to protections of the relevant statutes herein.

11. At all times relevant hereto, Plaintiff performed service for and was under the control and direction of her employers, as identified herein, for wages.

12. Defendant Beach and Bourbon LBI LLC d/b/a Azzurri Italian Cucina, at all times relevant herein, employed Plaintiff and is registered to do business in New Jersey, and located at 8001 Long Beach Boulevard, Harvey Cedars, New Jersey 08008.

13. Beach and Bourbon LBI LLC is identified as the employer on the paystubs issued to Plaintiff during Plaintiff's employment.

14. Defendant 8001 Long Beach Blvd LLC is registered to do business in New Jersey, and is located at 8001 Long Beach Boulevard, Harvey Cedars, New Jersey 08008. Defendant 8001 Long Beach Blvd LLC owns the real property and premises where Azzurri Italian Cucina is located. Together, Defendant 8001 Long Beach Blvd LLC and Defendant Beach and Bourbon LBI LLC are referred to as the "Corporate Defendants." The Corporate Defendants are a single employer because they are operationally entangled, including but not limited to because the two entities have the exact same four managers and members (*i.e.* Daniel DiDonato, William DePaolo, Joseph DePaolo, and Michael Giacomelli), are located at the same address, hold themselves out as a single entity to third parties, share employees, and, on information and belief, share finances. For example, the restaurant's General Manager, Anthony Marino, swore to the Harvey Cedars Land Use Review Board that he was authorized to speak on behalf of and bind 8001 Long Beach Blvd. LLC. In addition, or in the alternative, the Corporate Defendants are a single employer that, on information and belief, was split into two entities to avoid liability under the statutes at issue herein, including Title VII, because there is no reasonable business justification for the two entities to be separate and it would be more sensible to operate the restaurant within a single business entity.

15. The Corporate Defendants employ at least 25 employees for at least 20 weeks a year.

16. Defendant Kim DiDonato (“Defendant Kim” or “Kim”), at all times relevant herein, was Plaintiff’s employer, supervisor, and an owner of the restaurant.

17. Defendant Kim is a resident of the State of New Jersey.

18. Defendant Daniel DiDonato (“Defendant Daniel” or “Daniel”), at all times relevant herein, was Plaintiff’s employer, supervisor, an owner of the restaurant, and a manager and member of the Corporate Defendants.

19. Defendant Daniel is a resident of the State of New Jersey.

20. At all times relevant herein, Defendant Daniel and Defendant Kim are married.

21. Defendant Anthony Gentilella (“Defendant Gentilella” or “Gentilella”), at all times relevant herein, was employed as Head Chef of the restaurant and is the uncle of an owner of the restaurant and a close family friend of Defendants Daniel and Kim.

22. Defendant Gentilella is a resident of the State of New Jersey.

JURISDICTION AND VENUE

23. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 because Plaintiff asserts claims arising under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (“Title VII”) and the Fair Labor Standards Act, 29 U.S.C. § 207(a)(1) *et seq.* (“FLSA”).

24. This Court has supplemental jurisdiction over the related state law claims pursuant to 42 U.S.C. § 2000d, because those claims form part of the same case or controversy under Article III of the United States Constitution. Plaintiff’s state law claims share all common operative facts with their federal law claims, and the parties are identical. Resolving Plaintiff’s federal and state

claims in a single action serves the interests of judicial economy, convenience, consistency, and fairness to the parties.

25. Upon information and belief, Defendants are domiciled and/or conduct substantial operation/business in the State of New Jersey. Moreover, the subject incident which gave rise to the violations occurred in the State of New Jersey, rendering the District of New Jersey an appropriate venue pursuant to 28 U.S.C. § 1391.

26. Venue is proper in, and Defendants are subject to the personal jurisdiction of, this Court because Defendants maintain facilities and business operations in this District. 28 U.S.C. § 1391(b); 42 U.S.C. § 2000e-5(f) (3).

27. Plaintiff filed a complaint of discrimination, hostile work environment, and retaliation with the EEOC, Charge No. 530-2026-05763, and the EEOC issued a right to sue letter on May 7, 2026.

STATEMENT OF FACTS

Defendants Provided No Sexual Harassment Training

28. In or around July 2024, Plaintiff applied for a job at Azzurri Italian Cucina.

29. Plaintiff was told during her interview that Kim and Daniel DiDonato were the primary owners of the restaurant.

30. On or about July 29, 2024, Defendants hired Plaintiff as a host.

31. On or about August 1, 2024, the restaurant opened to the public.

32. Plaintiff immediately began working without any formal training. The only training Plaintiff received was on the Payment Operating System (“POS”).

33. Defendants did not ever provide Plaintiff or, on information and belief, any other employees at the restaurant, with any sexual harassment training.

34. Defendants did not hand out or send out any anti-harassment policy.

35. Defendants did not maintain or implement an effective or practical grievance process to report, investigate, or address harassment.

36. Defendants did not provide any training sessions for workers, supervisors, or managers about how to recognize and eradicate unlawful harassment.

Defendants Enabled and Assisted Head Chef Gentilella in Repeatedly Sexually Harassing Plaintiff

37. Defendant Gentilella is the Head Chef of the restaurant.

38. He is the uncle of one of the restaurant owners and so close with Defendants Kim and Daniel DiDonato that he calls them “Aunt Kim” and “Uncle Dan.”

39. Gentilella frequently and casually shouted racial and homophobic slurs, asked fellow staff members invasive and uncomfortable questions about their sexual habits, and made sexually explicit and demeaning comments, sometimes disguised as jokes, about women working at the restaurant.

40. Gentilella repeatedly asked Plaintiff to enter the walk-in freezer with him to perform sexual acts and proposed “threesomes” with Plaintiff while she was working.

41. Gentilella also openly discussed cheating on his girlfriend and stated that he wanted to cheat on his girlfriend with Plaintiff.

42. In or around the Winter of 2024, Gentilella’s behavior escalated. Gentilella began smacking and flicking Plaintiff’s breasts with the back of his hand during her shifts. Gentilella continued this assault on a daily basis, in front of other staff and management.

43. Gentilella would frequently laugh openly about this perverted and humiliating invasion of Plaintiff’s person and continued to make demeaning comments about engaging in

sexual acts with Plaintiff. For example, Gentilella said “if this were Game of Thrones, [Gentilella] would make [Plaintiff] strip naked when [Gentilella] is mad at [Plaintiff].”

44. Gentilella asked Plaintiff to send him photos, while she was at work, so that he could masturbate to them.

45. Gentilella offered to send Plaintiff photos and/or videos of him masturbating.

46. Gentilella repeatedly verbally degraded Plaintiff by calling her sexist slurs such as “bitch,” “whore,” “puta” (a Spanish term that means “whore”), and other gendered insults such as “worthless,” “loser,” “stupid,” and other degrading and humiliating names using a manner and tone that conveyed the demeaning sexual nature of the epithets.

47. Both Gentilella and Joaquin Agnes, Gentilella’s second in command in the kitchen and also a manager, made comments about Plaintiff’s clothes, criticizing what she wore and telling her to wear dresses or skirts more often and to dress in a sexier fashion.

48. Gentilella commented on Plaintiff’s breasts and told her she should show them off more.

49. Gentilella and Agnes also talked about how other female employees dressed, describing them as “hot,” and making other sexualized comments about their physical appearance and clothing.

50. Gentilella, Agnes, and other male kitchen staff frequently whistled in a lewd manner at Plaintiff and other female employees.

51. Gentilella, Agnes, and other male kitchen staff frequently called Plaintiff and other female employees “mami,” a Spanish phrase used in this context to mean “babe.”

52. Gentilella and other kitchen staff often pinched Plaintiff’s and other female employees’ waists.

53. On several occasions, Gentilella pulled Plaintiff into a hug.

54. Gentilella also often humped other employees in the kitchen.

55. Gentilella also frequently attended parties at a beach house Defendants rented for their staff to live in during the summer. On information and belief, one or more of the residents of this house overdosed on drugs and had to be rushed to the emergency room.

56. Gentilella's sexual harassment was open, witnessed by other staff and management, and, on information and belief, known to Defendants by virtue of their personally witnessing it, seeing it on the restaurant security footage they assiduously watched, and/or hearing that Plaintiff complained of it.

Defendants Closely Monitor the Restaurant

57. Defendants Kim and Daniel directly and closely supervised the operation of the restaurant.

58. Kim regularly texted Plaintiff on her personal cellphone commanding her to perform work duties, such as organizing marketing posts to social media sites, reaching out to guests, and coordinating events such as the "LBI Girlfriends."

59. Kim regularly commanded Plaintiff to call her, even while not at work, to speak about work related duties.

60. Kim, Daniel, and other owners frequently and closely watched the restaurant through the security cameras while they were off-site.

61. Kim and Daniel regularly made observations about details they observed on the security footage, including noting customers they recognized and criticizing staff for the service they provided, such as taking too long to refill waters or deliver bread to the tables.

62. On one occasion, Kim told Plaintiff that she had observed on the video footage that Plaintiff was speaking in what Kim falsely described as a flirtatious manner with Joaquin Agnes, the second in command in the kitchen.

63. Kim and Daniel conducted weekly meetings with the management staff of the restaurant to discuss business operations, meal specials, and other news or events regarding the restaurant.

64. During these meetings, as well as in one-on-one conversations with Plaintiff, Kim asked employees personal questions about their romantic interests and “who liked who.”

Plaintiff Reported Gentilella’s Sexual Harassment, but Defendants Did Nothing

65. In or around March of 2025, Blase Clay (“Blase”) was hired as the restaurant’s General Manager. He was Plaintiff’s direct supervisor.

66. Beginning in the Summer of 2025, Plaintiff complained to Blase on many occasions about Gentilella’s sexual harassment, including his comments and his touching her breasts, and the sexually charged hostile work environment that permeated the restaurant.

67. Blase was dismissive of Plaintiff’s complaints. For example, Blase told Plaintiff, “if you want to make jokes, you have to take jokes,” and “if you can’t take the heat, then stay out of the kitchen.”

68. On information and belief, Blase reported Plaintiff’s complaints to Defendants Kim and Daniel.

69. Defendants took no action to investigate or respond to Plaintiff’s complaints or otherwise protect her and other women at the restaurant from further sexual harassment.

70. Plaintiff was humiliated and discouraged by management ignoring her complaints of sexual harassment.

71. In or around June of 2025, Kim began spreading a false rumor that Plaintiff was in a romantic relationship with Joaquin Agnes.

72. When Plaintiff confronted Kim about this false rumor, Kim claimed she based it on her observation of Plaintiff's interactions with Agnes that she saw on the restaurant security footage and stated "well if you put enough kids in the room, something is bound to happen."

73. On information and belief, Kim and Dan also observed on the security footage Defendant Gentilella repeatedly smack and pinch Plaintiff's breasts but took no action to discipline or stop him.

74. Plaintiff complained to Defendant Gentilella about his inappropriate and demeaning behavior.

75. On or about June 15, 2025, Plaintiff texted Defendant Gentilella, in regard to his sexually charged comments, and said, "I know you think it's funny or whatever but you keep saying it and I want you to know it hurts my feelings. You're actively making me feel like shit, first time I let it go and told you how it felt and then you do it again so it's kinda crazy."

76. Yet Defendant Gentilella did not change his behavior.

77. On or about July 24, 2025, Defendant Kim was informed by her daughter Angelina DiDonato, who also worked at the restaurant, that Gentilella had screamed at Plaintiff and called her "worthless."

78. Defendant Kim sent a text message to Plaintiff stating, "I am so sorry to hear that Anthony was screaming at you and the staff last night. Totally unacceptable! We will talk in the morning with him and make sure it never happens again. This is not the culture we want to create."

79. Shortly thereafter, at a meeting attended by Gentilella, Agnes, Blase, Marino, and Plaintiff, General Manager Blase told the male managers they had to be more mindful about the jokes they were making so as not to make Plaintiff uncomfortable.

80. Gentilella apologized to Plaintiff during this meeting.

81. But Defendant Gentilella did not change his behavior and continued to touch Plaintiff's breasts and to make sexual comments to Plaintiff.

82. On information and belief, Defendants did not discipline Gentilella or take any meaningful action to protect Plaintiff from further sexual harassment.

83. Plaintiff complained to Joaquin Agnes, who was also a manager, and told him that Gentilella's touching and hitting her breasts made her uncomfortable; Agnes acknowledged the behavior was inappropriate but claimed there was nothing he could do about it.

84. Defendant Gentilella continued to harass Plaintiff on a daily basis.

A Restaurant Kitchen Worker Attempts to Rape Plaintiff

85. Following his supervisor Defendant Gentilella's lead, a restaurant kitchen worker named "Davide" also sexually harassed female employees.

86. Davide was employed by Defendants for approximately one year from October 2024 to October 2025.

87. Just like Gentilella, Davide frequently pinched Plaintiff's and other female employees' waists.

88. Davide also harassed a female server by stalking her on social media, sending her text messages about her appearance, and making sexual comments to her in the restaurant.

89. Both this server and Plaintiff reported Davide's sexual harassment to General Managers Marino and Blase before October 2025.

90. General Manager Marino told Plaintiff he had relayed her reports of Davide's sexual harassment to Defendant Kim before October 2025.

91. Despite receiving multiple reports about Davide's sexual harassment, Defendants did nothing to discipline Davide for his behavior or protect Plaintiff and other women from Davide.

92. On or about October 5, 2025, Plaintiff was in the restaurant working her normal shift.

93. At the end of the night, Plaintiff found herself alone to close down the restaurant with Davide.

94. While Plaintiff was performing closing duties, Davide crept up behind Plaintiff and grabbed her breasts from behind. Plaintiff wrenched out of Davide's grasp, objected, and moved away by quickly walking through the kitchen to grab her personal belongings and lock the front door before leaving.

95. Believing that Davide had left, Plaintiff turned back to shut off the lights. Davide again approached Plaintiff from behind, grabbed her breasts, and began dragging her into the bathroom. Believing she was about to be raped, Plaintiff fought out of Davide's arms and fled out the back door of the restaurant.

96. Plaintiff ran until she reached her vehicle, where she immediately called Alexandria Petrullo, the daughter of one of the restaurant owners. Plaintiff told Alexandria over the phone what had just happened to her.

97. Plaintiff experienced extreme levels of shock and panic, including difficulty breathing, shaking, and sobbing. Because of these immediate symptoms, Plaintiff was unable to drive herself home.

98. Alexandria contacted Joaquin Agnes and another chef at the restaurant known as “Ruby.” Ruby picked up Plaintiff from the restaurant’s parking lot and took Plaintiff to her home, where Plaintiff stayed overnight with Ruby.

99. Joaquin Agnes arrived at the restaurant shortly after Plaintiff’s departure and fired Davide.

100. In a conversation with Plaintiff the next day, Defendant Kim acknowledged to Plaintiff that she had previously heard Davide was being sexually inappropriate with a female server.

101. On October 8, 2025, Plaintiff reported Davide’s assault to the police.

102. On information and belief, Davide felt empowered to assault Plaintiff because of the sexual harassment that Defendants allowed to take root at the restaurant, where he watched Head Chef Gentilella humiliate and degrade Plaintiff on a daily basis, including routinely touching Plaintiff’s breasts without her consent, without repercussion or reprisal. The consistent harassment of Plaintiff showed Davide that Plaintiff was considered “fair game” around the restaurant, and that touching Plaintiff’s breasts without her consent was acceptable behavior.

103. On information and belief, Davide was not authorized to work in the United States. Yet Defendants hired Davide and allowed him to live in the upstairs portion of the restaurant, which was not zoned or approved for housing, where he had unfettered access to the restaurant and its staff. The Defendants paid Davide cash.

Defendants Retaliate Against Plaintiff for Reporting Davide’s Sexual Assault

104. The morning after Davide assaulted Plaintiff, on October 6, 2025, General Manager Blase called Plaintiff to inquire about the attack.

105. After asking several questions about the incident, Blase asked Plaintiff to take their call off speakerphone. Blase then said to Plaintiff that he “wished he had taken [Plaintiff’s] prior complaints about [Gentilella] seriously.”

106. Plaintiff told Blase that she would not be returning to work immediately because she needed time to recover psychologically.

107. On October 8, 2025, Plaintiff texted Kim that she was going to file a police report against Davide.

108. Kim never texted Plaintiff again and soon after blocked Plaintiff on Instagram.

109. Thereafter, Blase texted Plaintiff regarding when she would be returning to work.

110. Plaintiff responded she needed some time off to recover psychologically because she was the victim of a sexual assault and attempted rape.

111. On or about October 15, 2025, Plaintiff’s father, Ed Kunz (“Mr. Kunz”) spoke with Daniel and Blase.

112. During this phone call, Daniel insisted that Plaintiff immediately return to work, even though Mr. Kunz repeatedly told Daniel that Plaintiff was not ready to return to work at the present moment because of her distraught emotional state following the assault.

113. On or about October 23, 2025, Defendants retaliated and terminated Plaintiff’s employment.

The Sexual Harassment Caused Plaintiff Economic and Emotional Distress Damages

114. Since the attack, Plaintiff has experienced ongoing symptoms of extreme emotional distress.

115. Plaintiff was also out of work and without an income until May 2026.

Defendants Also Failed to Properly Pay Plaintiff Overtime

116. Plaintiff started working at the restaurant on or about July 29, 2024.

117. Plaintiff was hired as a host. She also worked as support staff and created social media content for the restaurant.

118. Plaintiff routinely worked more than 40 hours a week. She was frequently contacted by management, restaurant staff, and customers while she was at home on her days off for various reasons.

119. The reservation app was connected to Plaintiff's personal cell phone, and she took many calls while at home on her days off.

120. Defendants required Plaintiff to work 56 hours a week but did not pay her for the 16 hours of overtime.

121. Plaintiff was paid for 40 hours a week, even when she worked longer hours.

122. Defendant did not pay Plaintiff at the time and half rate for the overtime hours she worked.

123. Defendant did not track Plaintiff's hours when she started working at the restaurant.

124. Plaintiff's paychecks were late and had the incorrect number of hours worked and hourly rate.

125. In March of 2025, Plaintiff was promoted to assistant manager.

COUNT I
SEXUAL HARASSMENT/HOSTILE WORK
ENVIRONMENT
TITLE VII, 42 U.S.C. § 2000e, *et seq.*
AGAINST THE CORPORATE DEFENDANTS

126. Plaintiff repeats and reiterates all of the allegations contained in preceding paragraphs as if set forth at length herein.

127. Plaintiff is a member of a protected class based upon her sex. Throughout her employment, Plaintiff was subjected to unwelcome conduct because of her sex, including repeated sexual propositions, sexually explicit comments, requests for sexually suggestive photographs, offensive sex-based insults, unwanted touching of her breasts, the circulation of rumors concerning her alleged sexual relationships, sexual assault, attempted rape, and other conduct described herein.

128. The harassment and discrimination Plaintiff experienced were based on her sex and were sufficiently severe and/or pervasive to alter the terms and conditions of her employment, constituting a hostile work environment based on sexual harassment and discrimination on the basis of her gender in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (“Title VII”).

129. The Corporate Defendants are Plaintiff’s employer for purposes of Title VII.

130. The Corporate Defendants knew or should have known of the harassment and hostile work environment through Plaintiff’s repeated complaints and through the open and notorious nature of the conduct, yet failed to take prompt and effective remedial action.

131. As a direct and proximate result of the conduct described herein above, Plaintiff has suffered and is suffering considerable injury, including but not limited to loss of income and extreme emotional distress requiring therapeutic and psychiatric treatment.

132. Plaintiff is entitled to compensatory damages and attorneys' fees and costs under Title VII.

133. The Corporate Defendants' actions in violation of Title VII were intentional, with malice, and/or showed deliberate, willful, wanton, and reckless indifference to Plaintiff's civil rights, for which she is entitled to an award of punitive damages.

COUNT II
RETALIATION
TITLE VII, 42 U.S.C. § 2000e, *et seq.*
AGAINST THE CORPORATE DEFENDANTS

134. Plaintiff repeats and reiterates all of the allegations contained in preceding paragraphs as if set forth at length herein.

135. Plaintiff engaged in protected activity under Title VII by repeatedly complaining to Defendants, as well as Blase Clay and Joaquin Agnes about sexual harassment, sex-based discrimination, and the hostile work environment she experienced at the restaurant. Plaintiff further engaged in protected activity when she reported the sexual assault perpetrated against her on October 5, 2025 to the police.

136. Following Plaintiff's protected activity, the Corporate Defendants subjected Plaintiff to materially adverse employment actions, including dismissing and failing to investigate her complaints, refusing to take corrective action to stop the harassment, pressuring Plaintiff to return to work after the sexual assault despite her expressed need for recovery, and ultimately terminating her employment on or about October 23, 2025.

137. There is a direct causal connection between Plaintiff's protected activity and the Corporate Defendants' adverse actions. The Corporate Defendants' retaliation occurred shortly after Plaintiff complained about sexual harassment and the hostile work environment and reported the sexual assault. The Corporate Defendants' stated reason for Plaintiff's termination was false

and pretextual. The Corporate Defendants' adverse employment actions against Plaintiff were based, at least in part, on her protected activity.

138. As a direct and proximate result of the conduct described herein above, Plaintiff has suffered and is suffering considerable injury, including but not limited to loss of income and extreme emotional distress requiring therapeutic and psychiatric treatment.

139. Plaintiff is entitled to compensatory damages and attorneys' fees and costs under Title VII.

140. The Corporate Defendants' actions in violation of Title VII were intentional, with malice, and/or showed deliberate, willful, wanton, and reckless indifference to Plaintiff's civil rights, for which she is entitled to an award of punitive damages.

COUNT III
FAIR LABOR STANDARDS ACT (FLSA)
29 U.S.C. §§ 201-219
AGAINST KIM DIDONATO, DANIEL DIDONATO, AND THE CORPORATE
DEFENDANTS

141. Plaintiff repeats and reiterates the allegations set forth in the preceding paragraphs as if full set forth herein.

142. At all relevant times, Defendants have been, and continue to be, "employers" engaged in interstate "commerce" and/or in the production of "goods" for "commerce," within the meaning of FLSA, 29 U.S.C. § 203.

143. At all relevant times, Defendants have employed "employee[s]," including Plaintiff.

144. Under FLSA 29 U.S.C. § 207, Plaintiff is entitled to be paid at time and a half rate for all hours worked over 40 hours per week.

145. Between July 2024 and March 2025, while a non-exempt employee, Plaintiff routinely worked more than 40 hours a week as a host, support staff, answering reservation calls and working on social media posts.

146. During this time period, Plaintiff was frequently contacted by management, restaurant staff and customers while she was at home on her days off for various reasons.

147. The reservation app was connected to Plaintiff's personal cell phone, and she took many calls while at home on her days off.

148. During this time period, Defendants failed to compensate Plaintiff at a time and a half rate for the overtime hours she worked.

149. Defendants required Plaintiff to work 56 hours a week but did not pay her for the 16 hours of overtime.

150. Defendants paid Plaintiff for 40 hours a week, even when she worked longer hours.

151. Defendants willfully failed to timely pay Plaintiff all overtime compensation she was due. 29 U.S.C. § 207, et seq.

152. Defendants' violations of the FLSA were willful because Defendants, with reckless disregard as to whether their conduct was prohibited under statute, failed to pay the statutorily required overtime rate for the overtime hours worked by Plaintiff.

153. Because Defendants' violations of the FLSA were willful, a 3-year statute of limitations applies, pursuant to 29 U.S.C. § 255.

154. As a result of Defendants' unlawful conduct, Plaintiff is entitled to recover unpaid overtime, liquidated damages for late paid wages, attorneys' fees and costs, post-judgment interest, and such other legal and equitable relief as this Court deems just and proper.

COUNT IV
SEXUAL HARASSMENT/HOSTILE WORK
ENVIRONMENT IN VIOLATION OF NEW JERSEY
LAW AGAINST DISCRIMINATION
N.J.S.A. 10:5-1 *et seq.*
AGAINST THE CORPORATE DEFENDANTS

155. Plaintiff repeats and reiterates all of the allegations contained in preceding paragraphs as if set forth at length herein.

156. Plaintiff's protected trait is her sex.

157. Plaintiff was subjected to unwelcome conduct because of her sex, including repeated sexual propositions, sexually explicit comments, requests for sexually suggestive photographs, offensive sex-based insults, unwanted touching of her breasts, the circulation of rumors concerning her alleged sexual relationships, sexual assault, attempted rape, and other conduct described herein.

158. The conduct described herein occurred because of Plaintiff's sex and would not have occurred but for her status as a woman.

159. All of the harassment alleged herein was continuous, regular, and ongoing such that it is actionable under the continuing violation doctrine.

160. The conduct described herein was sufficiently severe and/or pervasive that a reasonable woman in Plaintiff's position would believe the conditions of employment had been altered and that the workplace had become intimidating, hostile, humiliating, and abusive.

161. Plaintiff subjectively perceived the work environment to be hostile and abusive, and the hostile environment unreasonably interfered with her ability to perform her job duties, caused extreme emotional distress, and altered the terms and conditions of her employment.

162. The Corporate Defendants, by and through its owners, managers, supervisors, and agents, including Kim DiDonato, Daniel DiDonato, and Anthony Gentilella, created, fostered, encouraged, ratified, and/or permitted a sexually hostile workplace in violation of the NJLAD.

163. The Corporate Defendants, Kim DiDonato, and Daniel DiDonato vested Anthony Gentilella with supervisory authority and substantial control over Plaintiff's working environment. Gentilella used that authority to harass, intimidate, humiliate, and sexually degrade Plaintiff throughout her employment.

164. The Corporate Defendants fostered and maintained a workplace culture in which employees' personal and romantic relationships were openly discussed, management circulated and commented upon rumors concerning employees' private lives, sexual comments and touching were normalized, and complaints of sexual misconduct were ignored, minimized, or dismissed.

165. The Corporate Defendants had a duty to exercise reasonable care to prevent, investigate, correct, and eliminate sexual harassment in the workplace.

166. The Corporate Defendants knew, or should have known, of the harassment directed toward Plaintiff through Plaintiff's repeated complaints, the open and notorious nature of the conduct, and the fact that much of the misconduct occurred in the presence of supervisors, managers, and coworkers.

167. Despite this knowledge, the Corporate Defendants failed to take prompt, effective, and appropriate remedial measures to prevent, stop, investigate, or correct the sexual harassment and instead permitted the misconduct to continue unabated and created a hostile work environment.

168. The Corporate Defendants failed to maintain and enforce effective anti-harassment policies, failed to provide meaningful sexual harassment training, failed to establish an effective

reporting mechanism for complaints of harassment, and failed to adequately supervise managerial and non-managerial employees.

169. The Corporate Defendants' failure to prevent and correct the ongoing sexual harassment communicated to employees that sexually degrading conduct toward Plaintiff would be tolerated. This conduct contributed to and reinforced the sexually charged atmosphere and hostile work environment that culminated in the sexual assault perpetrated against Plaintiff on October 5, 2025.

170. The foregoing acts of sexual harassment and discrimination based upon Plaintiff's sex violated Plaintiff's rights under the NJLAD and caused her substantial damages.

171. The Corporate Defendants are liable under principles of *respondeat superior* and agency for the discriminatory and harassing conduct of their owners, supervisors, managers, employees, agents, and representatives acting within the scope of their authority and employment.

172. As a direct and proximate result of the conduct described herein above, Plaintiff has suffered and is suffering considerable injury, including but not limited to loss of income and extreme emotional distress requiring therapeutic and psychiatric treatment.

173. The Corporate Defendants' actions were intentional, with malice, and/or showed deliberate, willful, wanton, and reckless indifference to Plaintiff's civil rights, for which she is entitled to an award of punitive damages.

COUNT V
AIDING AND ABETTING SEXUAL DISCRIMINATION IN VIOLATION OF NEW
JERSEY LAW AGAINST DISCRIMINATION
N.J.S.A. 10:5-1 *et seq.*
AGAINST KIM DIDONATO, DANIEL DIDONATO, AND ANTHONY GENTILELLA

174. Kim DiDonato and Daniel DiDonato vested Anthony Gentilella with supervisory authority and substantial control over Plaintiff's working environment.

175. Gentilella used that authority to harass, intimidate, humiliate, and sexually degrade Plaintiff throughout her employment and aided and abetted in the creation of a hostile work environment.

176. Defendants Kim DiDonato and Daniel DiDonato substantially aided Defendant Gentilella in sexually harassing Plaintiff and aided and abetted in the creation of a hostile work environment.

177. At all times relevant herein, Defendants Kim DiDonato and Daniel DiDonato were owners, and Defendants Kim DiDonato, Daniel DiDonato, and Gentilella were supervisors, managers, and decision-makers with authority over Plaintiff's employment, the restaurant's operations, workplace policies, employee discipline, investigations, and responses to employee complaints.

178. At all relevant times, Defendants Kim DiDonato, Daniel DiDonato, and Gentilella possessed actual knowledge of the sexually hostile work environment, the sexual harassment directed toward Plaintiff, and the discriminatory conduct described herein.

179. Despite possessing such knowledge, Defendants Kim DiDonato, Daniel DiDonato, and Gentilella knowingly and substantially assisted, facilitated, encouraged, condoned, and ratified the unlawful conduct by, among other things, failing to investigate Plaintiff's complaints, failing

to discipline offending employees, failing to implement effective corrective measures, dismissing Plaintiff's concerns, and permitting the misconduct to continue unabated.

180. Defendant Kim DiDonato further participated directly in the discriminatory environment by engaging in and perpetuating rumors regarding Plaintiff's alleged romantic and sexual relationships with coworkers, thereby contributing to the sexualization and humiliation of Plaintiff within the workplace.

181. Defendants Kim DiDonato and Daniel DiDonato knowingly permitted Anthony Gentilella and other employees to continue engaging in sexually offensive conduct despite repeated complaints and obvious warning signs that Plaintiff was being subjected to unlawful harassment and a hostile work environment.

182. Defendants Kim DiDonato, Daniel DiDonato, and Gentilella exercised supervisory authority over the workplace and had the power to prevent, stop, investigate, and remedy the discriminatory conduct described herein, yet consciously failed to do so and instead allowed the misconduct to persist.

183. Through their actions and omissions, Defendants Kim DiDonato, Daniel DiDonato, and Gentilella provided substantial assistance to, encouraged, and facilitated the discriminatory and harassing conduct directed at Plaintiff, thereby aiding and abetting violations of the NJLAD.

184. As a direct and proximate result of the conduct described herein above, Plaintiff has suffered and is suffering considerable injury, including but not limited to loss of income and extreme emotional distress requiring therapeutic and psychiatric treatment.

185. The conduct of Defendants Kim DiDonato, Daniel DiDonato, and Gentilella was intentional, with malice, and/or showed deliberate, willful, wanton, and reckless indifference to Plaintiff's civil rights, for which she is entitled to an award of punitive damages.

COUNT VI
RETALIATION IN VIOLATION OF THE NEW JERSEY LAW AGAINST
DISCRIMINATION
N. J. S. A. 10:5-1 *et seq.*
AGAINST KIM DIDONATO, DANIEL DIDONATO, ANTHONY GENTILELLA,
AND THE CORPORATE DEFENDANTS

186. Plaintiff repeats and reiterates all of the allegations contained in preceding paragraphs as if set forth at length herein.

187. Plaintiff engaged in activity protected by the NJLAD by repeatedly complaining to Defendants, as well as Blase Clay and Joaquin Agnes, about sexual harassment, sex-based discrimination, and the hostile work environment she experienced at the restaurant. Plaintiff further engaged in protected activity when she reported the sexual assault perpetrated against her on October 5, 2025 to the police.

188. Following Plaintiff's protected activity, Defendants subjected Plaintiff to materially adverse employment actions, including dismissing and failing to investigate her complaints, refusing to take corrective action to stop the harassment, pressuring Plaintiff to return to work immediately after the sexual assault despite her expressed need for recovery, and ultimately terminating her employment on or about October 23, 2025.

189. There is a direct causal connection between Plaintiff's protected activity and the Defendants' adverse actions. Defendants' retaliation occurred shortly after Plaintiff complained about sexual harassment and hostile work environment and reported the sexual assault. Defendants' stated reason for Plaintiff's termination was false and pretextual. Defendants' adverse employment actions against Plaintiff were based, at least in part, on her protected activity

190. Following Plaintiff's direct complaint to him, Defendant Gentilella continued to engage in sexually harassing and degrading conduct toward Plaintiff rather than cease the

misconduct. Gentilella's continuation of the very conduct about which Plaintiff complained constituted retaliation for Plaintiff's opposition to unlawful discrimination and harassment.

191. Defendants' retaliatory conduct would dissuade a reasonable employee from reporting discrimination, harassment, sexual misconduct, or other violations of the NJLAD.

192. At all times relevant herein, Defendants Kim DiDonato, Daniel DiDonato, and Gentilella were owners, supervisors, managers, and decision-makers with authority over Plaintiff's employment, the restaurant's operations, workplace policies, employee discipline, investigations, and responses to employee complaints.

193. Defendants Kim DiDonato, Daniel DiDonato, and Gentilella knowingly and substantially assisted, facilitated, encouraged, condoned, and ratified the retaliation by, among other things, failing to investigate Plaintiff's complaints, failing to discipline offending employees, failing to implement effective corrective measures, and terminating Plaintiff for complaining about the sexual harassment, sex-based discrimination, and the hostile work environment.

194. Through their actions and omissions, Defendants Kim DiDonato, Daniel DiDonato, and Gentilella facilitated the retaliation in violation of the NJLAD.

195. As a direct and proximate result of the conduct described herein above, Plaintiff has suffered and is suffering considerable injury, including but not limited to loss of income and extreme emotional distress requiring therapeutic and psychiatric treatment.

196. The actions of the Corporate Defendants and Defendants Kim DiDonato, Daniel DiDonato, and Gentilella were intentional, with malice, and/or showed deliberate, willful, wanton, and reckless indifference to Plaintiff's civil rights, for which she is entitled to an award of punitive damages.

COUNT VII
NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT (SAFE Act)
N.J.S.A. 34:11C-3 et seq.
AGAINST THE CORPORATE DEFENDANTS

197. Plaintiff repeats and reiterates the allegations set forth in the preceding paragraphs as if full set forth herein.

198. Plaintiff was an employee of the Corporate Defendants within the meaning of the NJ SAFE Act. N.J.S.A. 34:11C-2.

199. Plaintiff was employed with the Corporate Defendants for over one year and worked at least 1,000 hours.

200. Plaintiff was a victim of a sexually violent offense, namely criminal sexual contact within the meaning of the NJ SAFE Act. N.J.S.A. 34:11C-3(a).

201. Plaintiff sought unpaid leave on October 6, 2025 to recover from her psychological injuries and obtain counseling related to the sexually violent offense.

202. The Corporate Defendants subjected Plaintiff to materially adverse employment actions by pressuring Plaintiff to return to work immediately after the sexual assault despite her expressed need for recovery and ultimately terminating her employment on or about October 23, 2025.

203. The Corporate Defendants retaliated against Plaintiff by terminating her employment within twenty days of taking leave under the NJ SAFE Act.

COUNT VIII
NEW JERSEY WAGE PAYMENT LAW (NJWPL)
N.J.S.A. 34:11-56(a) et seq.
AGAINST KIM DIDONATO, DANIEL DIDONATO, AND THE CORPORATE
DEFENDANTS

204. Plaintiff repeats and reiterates the allegations set forth in the preceding paragraphs as if full set forth herein.

205. Plaintiff is an employee of Defendants within the meaning of the NJWHL and NJWPL. N.J.S.A. 34:11-56a1, et seq.

206. Plaintiff was a non-exempt employee entitled to overtime compensation at one and one-half times her regular hourly rate for all hours worked over forty in a workweek under New Jersey law.

207. Plaintiff worked hours in excess of forty in multiple workweeks. N.J.S.A. 34:11-56a4(b)(1); N.J.S.A. 34:11-56a1(e); N.J.A.C. 12:56-6.5.

208. Defendants failed to pay Plaintiff overtime wages at one and one-half times her regular rate for hours worked over forty. N.J.S.A. 34:11-56a4(b)(1).

209. Defendants failed to keep accurate records of Plaintiff's work hours and issued paystubs and paychecks that did not reflect actual hours, rates, or overtime. N.J.S.A. 34:11-56a20; N.J.A.C. 12:56-4.1 and N.J.A.C. 12:56-4.4.

210. Plaintiff is entitled to liquidated damages of 200%. N.J.S.A. 34:11-56a25; N.J.S.A. 34:11-4.10(c).

211. As a result of Defendants' knowing, willful, and unlawful conduct, Plaintiff is entitled to recover unpaid overtime, liquidated damages for late paid wages, attorneys' fees and costs, post-judgment interest, and such other legal and equitable relief as this Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court award the following relief:

- A. Award Plaintiff all available compensatory damages, including damages for emotional distress, humiliation, embarrassment, pain and suffering, and loss of enjoyment of life;
- B. Award Plaintiff all available economic damages, including back pay, front pay, lost wages, lost benefits, and loss of future earning capacity;
- C. Award Plaintiff punitive damages to the fullest extent permitted by law;
- D. Award Plaintiff liquidated damages and statutory damages where permitted by law;
- E. Award Plaintiff pre-judgment interest and post-judgment interest as permitted by law;
- F. Award Plaintiff reasonable attorneys' fees, enhanced attorneys' fees, expert fees, litigation expenses, and costs of suit;
- G. Award Plaintiff equitable and injunctive relief as permitted by law, including reinstatement or front pay in lieu thereof; and
- H. Award such other further legal and equitable relief as this Court deems necessary, just, and proper.

JURY DEMAND

Plaintiff demands a trial by jury.

Dated: August 4, 2026
New York, New York

By: /s/
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Zoe Salzman*
Sana Mayat*

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