

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

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| KIANA ALVARADO, LIANA ARIAS, SHAKIERRA GRIFFIN, OSCAR RIVERA, MINAYA RIVERA, JENNIFER HENRY, BILAL MCCLURE, SHANTA STEVENS, JADE WILLIAMS, and LASHAY FULLER | |
| | |
| Plaintiffs, | <u>Civil Action</u> |
| - against - | |
| | |
| SWEETGREEN, INC., DONALD IZQUIERDO, and EDWIN VENTURA | <u>Jury Trial Demanded</u> |
| | |
| Defendants, | |
| ----- | X |

FIRST AMENDED COMPLAINT

Plaintiffs Kiana Alvarado, Liana Arias, Shakierra Griffin, Oscar Rivera, Minaya Rivera, Jennifer Henry, Bilal McClure, Shanta Stevens, Jade Williams, and Lashay Fuller (“Plaintiffs”), by and through their attorneys, Arenson, Dittmar & Karban, as and for their First Amended Complaint against Sweetgreen, Inc. (“Sweetgreen”), Donald Izquierdo (“Izquierdo”), and Edwin Ventura (“Ventura”) (collectively, the “Defendants”), allege upon personal knowledge as to themselves and upon information, belief and investigation of counsel as to all other matters as follows:

NATURE OF THE ACTION

1. This action arises out of a discriminatory and hostile work environment on the basis of gender and race created and fostered by Defendants.
2. Plaintiffs bring this action pursuant to under the New York City Administrative Code § 8-107, et seq. (“NYCHRL”) for compensatory damages, punitive damages and attorney’s fees and costs.

3. Venue is proper in this County pursuant to New York Civil Practice Laws and Rules (“NYCPLR”) § 503.

PARTIES

PLAINTIFFS

4. Plaintiff Alvarado is and was, at all relevant times, a female African American/Hispanic adult individual residing in Bronx, NY.

5. Plaintiff Arias is and was, at all relevant times, a female African American/Hispanic adult individual residing in New York, NY.

6. Plaintiff Griffin is and was, at all relevant times, a female African American adult individual residing in New York, NY.

7. Plaintiff Oscar Rivera is a male African American/Hispanic adult individual residing in New York, NY.

8. Plaintiff Minaya Rivera is a female African American/Hispanic adult individual residing in New York, NY.

9. Plaintiff Henry is and was, at all relevant times, a female African American adult individual residing in Brooklyn, NY.

10. Plaintiff McClure is and was, at all relevant times, a male African American adult individual. He currently resides in Staten Island, NY.

11. Plaintiff Stevens is and was, at all relevant times, a female African American adult individual residing in Bronx, NY.

12. Plaintiff Williams is and was, at all relevant times, a female African American adult individual. She is a resident of Bronx, NY.

13. Plaintiff Fuller is and was, at all relevant times, a female African American adult individual residing in Bronx, NY.

DEFENDANTS

14. Defendant Sweetgreen owns and operates a national chain of approximately 180 restaurants that offer handmade ready-to-eat salads. As part of that chain, Sweetgreen has owned and operated restaurants located in New York, New York, including locations at 55th Street and Park Avenue, 32 Gansevoort Street, 38th Street and Broadway, and Wall Street. Sweetgreen is registered in New York as a foreign business corporation incorporated in Delaware.

15. Upon information and belief, Izquierdo is a Hispanic male resident of the State of New York.

16. Izquierdo has been “Head Coach” (i.e., the general manager) of Sweetgreen’s 55th Street and Park Avenue location from approximately 2017 through the present.

17. During that time, Izquierdo exercised managerial authority over Plaintiffs Alvarado, Arias, Griffin, Oscar, Minaya, and Henry acting as Plaintiffs’ direct supervisor. He had the authority to hire and fire those plaintiffs.

18. Upon information and belief, as Head Coach, Izquierdo made the decisions for employees of Sweetgreen’s 55th Street and Park Avenue restaurant, including decisions regarding hiring, firing, promotions, work assignment and schedules, and determining the rate of employee pay.

19. Upon information and belief, Ventura is a Hispanic male resident of the State of New Jersey.

20. Ventura was Head Coach of Sweetgreen’s 67 Wall Street location from approximately 2019 through approximately December 2021.

21. During that time, Ventura exercised managerial authority over Plaintiffs McClure, Stevens, Williams, and Fuller, acting as Plaintiffs' direct supervisor. He had the authority to hire and fire those plaintiffs.

22. Upon information and belief, as Head Coach, Ventura made the decisions for employees of Sweetgreen's 67 Wall Street restaurant, including decisions regarding hiring, firing, promotions, work assignment and schedules, and determining the rate of employee pay.

FACTUAL ALLEGATIONS

KIANA ALVARADO

23. Defendants Sweetgreen and Izquierdo created and fostered a discriminatory and hostile work environment against Plaintiff Alvarado on the basis of her gender and race.

24. From approximately August 23, 2019 through approximately early February 2022, Plaintiff Alvarado worked at Sweetgreen as a Team Member and then as a Captain (i.e., shift leader).

25. She began working for Sweetgreen at its 55th Street and Park Avenue location, where she reported to Izquierdo, who was the location's Head Coach.

26. In approximately November 2019, Pablo, a fellow Team Member who worked in cold prep, told Plaintiff Alvarado in Spanish that she had "dick-sucking lips." When Plaintiff Alvarado complained to Izquierdo about this incident, Izquierdo told her not to speak to Pablo. Izquierdo took no action against Pablo.

27. Pablo continued to make other sexually inappropriate comments on a regular basis that both Plaintiff Alvarado and Izquierdo overheard. By way of example only, Pablo would, on a regular basis, make comments about female customers such as, "Diablo! Mira se

culo,” meaning “Damn! Look at her ass.” Despite overhearing these comments Izquierdo did not reprimand Pablo or take any other action against him.

28. Pablo also frequently made sexual comments in Spanish to or about other Team Members. On a regular basis Plaintiff Alvarado overheard him say to a female Team Member, in Spanish, “Let’s go to a hotel and have a fucking party.”

29. In or around February 2021, Plaintiff Alvarado was granted a transfer to Sweetgreen’s Meatpacking location at 32 Gansevoort Street in New York, New York.

30. In or around September 2021, the Head Coach at the Meatpacking location was replaced by Oscar Ferero.

31. After a few weeks of working under Ferero, Hispanic workers at the Meatpacking location began constantly made derogatory comments based on race about Black employees and customers.

32. Beginning in or around late September 2021 and continuing until at least the end of Plaintiff Alvarado’s employment with Sweetgreen, many of the restaurant’s Hispanic employees, including but not limited to two employees named Maxima and Ismely, would refer to Black employees and customers as “nigger” on a daily basis. By way of example, if there were some English-language music playing in an area where Isemly or Maxima would enter, they would say, “Turn that nigger music off.”

33. During that time, Hispanic employees would also, on a daily basis, refer to Black employees in a derogatory way as “negro” or “negra” rather than using the Black employee’s name. For example, they would say, in Spanish, “Tell eso negro [i.e., this black man] to hurry up.” By way of another example, they would say, in Spanish, “That Black girl doesn’t know

what she's doing." By way of further example, if there was a task to perform they would say to each other, in Spanish, "Give it to the Black guy."

34. Also during that time, Hispanic employees would regularly refer to Black employees as "monkeys."

35. Plaintiff Alvarado speaks Spanish and was offended by this constant stream of derogatory racial comments.

36. Plaintiff Alvarado complained to Ferero on multiple occasions about the derogatory racial comments used by the Hispanic workers. Instead of taking action Ferero advised Plaintiff Alvarado that she had to "pick and choose [her] battles." On another occasion, Ferero responded to Plaintiff Alvarado's complaint by saying, "You're the one who always has the problem."

37. On one occasion, Plaintiff Alvarado convinced the restaurant's Assistant Coach (i.e., assistant general manager) to tell the Hispanic workers that they could not make such comments. However, following the meeting the Hispanic workers did not change their behavior and faced no discipline for their continued use of derogatory racial comments. The Assistant Coach told Plaintiff Alvarado that he had no power to discipline them and that it was up to the Head Coach to do something.

38. Plaintiff Alvarado also observed that Ferero favored Hispanic workers over Black workers when deciding the number of hours to give them, giving Hispanic workers more hours than he gave Black workers.

39. Plaintiff Alvarado also witnessed or overheard Ferero engaging in gender discrimination, which offended her.

40. For example, Plaintiff Alvarado often observed Ismely lewdly twerking in front of Ferero and going into his office alone with him for periods during the workday. Ferero would consistently let Ismely work for more than 40 hours per week, more than her coworkers.

41. By way of further example, in or around October 2021 a Team Member named Ashley complained to People Support, Sweetgreen's human resources, that Ferero had told her that he would talk to her because "she had long hair and was beautiful." People Support took no action against Ferero, which reinforced to Plaintiff Alvarado the futility of complaining to People Support about Ferero or events at the restaurant.

42. By early 2022, the strain of working in an environment rife with such racial and sexual harassment took an emotional toll on Plaintiff Alvarado with such deleterious effects on her physical and mental health that Plaintiff Alvarado felt compelled to resign rather than endure the further damage to her well-being that her continued employment at Sweetgreen would have caused.

43. Accordingly, Plaintiff Alvarado resigned from Sweetgreen in or around early February 2022.

LIANA ARIAS

44. Defendants Sweetgreen and Izquierdo created and fostered a discriminatory and hostile work environment against Plaintiff Arias on the basis of her race and gender.

45. Plaintiff Arias worked at Sweetgreen as a Team Member at Sweetgreen's 55th Street and Park Avenue location in on or around early 2017 through July 30, 2019. She reported to the restaurant's Head Coach.

46. Defendant Izquierdo took over as Head Coach of 55th and Park approximately one month after Plaintiff Arias began working there.

47. Throughout Plaintiff Arias's employment at Sweetgreen, Izquierdo favored Hispanic workers over Black workers. Specifically, he consistently promoted Hispanic workers over equally qualified or more qualified Black workers gave Hispanic workers more desirable tasks than their Black coworkers; and permitted Hispanic workers to play their favored music loudly while instructing Black workers to turn down their favored music.

48. Izquierdo would often allow Hispanic workers to leave work early if they had finished their tasks but still get compensated for their entire scheduled shift. For example, if a Hispanic worker finished early Izquierdo would tell that worker, "I got you," allow that worker to leave without going off the clock, and then sign that worker out only when his or her shift ended. Izquierdo never did that for a Black worker.

49. On a daily basis, Hispanic workers at 55th and Park also made derogatory racial remarks about their Black coworkers.

50. Hispanic workers referred to refer to Black employees in a derogatory way as "negro" or "negra" rather than using the Black employee's name. The references were typically accompanied by a complaint about the Black employee in question, such as that "esa negra" was too slow. Plaintiff Arias overheard such references to her and her Black coworkers approximately every other day. She found such references dehumanizing and offensive.

51. Izquierdo overheard these same comments but found them amusing and would either laugh at them or ignore them. He did nothing to reprimand or otherwise discourage the workers making them.

52. Besides fostering the racially hostile work environment through approval and neglect, Izquierdo furthered it through his own comments. For example, in or around approximately June 2019 Plaintiff Arias was wearing her natural, Afro-textured hair, when

Izquierdo told her, “fix your hair.” He told her, “Your hair is all over the place. You need two hairnets.” He did not make such comments to Hispanic workers wearing their natural hair in the same fashion. A Hispanic manager named Codeen also asked Plaintiff Arias, “What’s up with your hair?” It was clear to Plaintiff Arias that these comments were based on her race and her hair’s Afro-texture. These comments humiliated Plaintiff Arias and made her feel that she could not wear her natural hair. After those comments, Plaintiff Arias wore her hair in a bun at work.

53. On nearly a daily basis, Izquierdo would also make sexually inappropriate and suggestive comments about female customers. For example, if a female customer walked into the restaurant Izquierdo would announce, loudly enough for Plaintiff Arias and other employees to hear, “She looks good. I would do her.” Plaintiff Arias found such comments offensive and disgusting.

OSCAR RIVERA

54. Defendant Sweetgreen created and fostered a discriminatory and hostile work environment against Plaintiff Oscar Rivera on the basis of his race.

55. Plaintiff Oscar began working for Sweetgreen on or around October 15, 2021 at its Meatpacking location at 32 Gansevoort Street in New York, New York.

56. He was hired as a Team Member at an hourly rate of \$15 and primarily worked in the group filling on-line orders. He reported to a supervisor named Shane.

57. At the time he began working for Sweetgreen Plaintiff Oscar was 17 years old.

58. During the time Plaintiff Oscar worked at Sweetgreen, he worked approximately 35-40 hours per week, 5 days per week.

59. During the period between October 15-29, the code Plaintiff Oscar used to clock in did not work.

60. Plaintiff Oscar notified his managers at Sweetgreen about the issue with the code on a daily basis until it was resolved.

61. Sweetgreen failed to pay Plaintiff Oscar for his time worked during that period.

62. During the time Plaintiff Oscar worked at Sweetgreen, on a daily basis he was subjected to derogatory racial remarks made by Hispanic workers about him and his Black coworkers.

63. During that time, Plaintiff Oscar overheard Hispanic employees, on a daily basis, refer to Black employees in a derogatory way as “negro” or “negra” rather than using the Black employee’s name. For example, they would say, in Spanish, “Tell eso negro [i.e., this black man] to hurry up.”

64. In addition, Plaintiff Oscar overheard the Hispanic employees use “negro” or “Negra” as a modifier within disparaging phrases used to refer to Black employees. By way of example, the Hispanic employees would refer to particular Black employees as the short or the stupid negro or negra.

65. Plaintiff Oscar heard Hispanic coworkers regularly refer to Black coworkers as “monkeys.” For example, they would say about a Black employee, “This monkey don’t know how to toss the salad correctly.”

66. Plaintiff Oscar also heard Hispanic coworkers regularly refer to Black customers in derogatory terms, by, for example, calling them “bums,” complaining that their teeth were yellow and that their breath smelled. The Hispanic workers did not make such derogatory comments about customers of other races.

67. Plaintiff Oscar understands Spanish and was offended by this constant stream of derogatory racial comments.

68. Sweetgreen terminated Plaintiff Oscar's employment on or around January 5, 2022.

MINAYA RIVERA

69. Defendant Sweetgreen created and fostered a discriminatory and hostile work environment against Plaintiff Minaya Rivera on the basis of her race and gender.

70. Plaintiff Minaya began working for Sweetgreen on or around October 15, 2021 at its Meatpacking location at 32 Gansevoort Street in New York, New York.

71. She was hired as a Team Member at an hourly rate of \$15 and primarily worked upstairs servicing in-store customers.

72. At the time she began working for Sweetgreen Plaintiff Minaya was 17 years old.

73. During the time Plaintiff Minaya worked at Sweetgreen, on a daily basis she was subjected to derogatory racial remarks made by Hispanic workers about her and her Black coworkers.

74. During that time, Plaintiff Minaya overheard Hispanic employees, on a daily basis, refer to Black employees in a derogatory way as "negro" or "negra" rather than using the Black employee's name. For example, they would say, in Spanish, "Tell eso negro [i.e., this black man] to hurry up."

75. In addition, Plaintiff Minaya overheard the Hispanic employees use "negro" or "negra" as a modifier within disparaging phrases used to refer to Black employees. By way of example, the Hispanic employees would refer to particular Black employees as the short or the stupid negro or negra.

76. Plaintiff Minaya heard Hispanic coworkers regularly refer to Black coworkers as “monkeys.” For example, they would say about a Black employee, “This monkey don’t know how to toss the salad correctly.”

77. Plaintiff Minaya also overheard a Hispanic coworker say, in sum and substance, about her and Plaintiff Oscar, “I hate these Black workers, they don’t clean well and they’re lazy.”

78. Plaintiff Minaya also overheard a Hispanic coworker say, “We need more Spanish workers.”

79. Plaintiff Minaya also heard Hispanic coworkers regularly refer to Black customers in derogatory terms, by, for example, calling them “bums,” complaining that their teeth were yellow and that their breath smelled. The Hispanic workers did not make such derogatory comments about customers of other races.

80. Plaintiff Minaya understands Spanish and was offended by this constant stream of derogatory racial comments.

81. Plaintiff Minaya also experienced discrimination based on her gender during her time at 32 Gansevoort.

82. On at least one occasion, Plaintiff Minaya found herself working alone in the middle of her shift. Wondering where her coworkers were, she came downstairs and observed her Hispanic coworkers idly listening to music. Some of them were dancing, with Ismely twerking in front of Ferero. When Plaintiff Minaya complained that she was on the floor by herself while her coworkers were downstairs, she was told to mind her own business.

83. Plaintiff Minaya also observed Ferero giggling with his arms around a female employee as if they were a couple.

84. Plaintiff Minaya also heard that a Team Member had complained to People Support that Ferero had sexually harassed her.

85. Plaintiff Minaya also heard Ferero discussing which females he found cute and which he found ugly. One time when he was discussing that topic he caught Plaintiff Minaya's eye in a flirtatious manner. Ferero's behavior offended Plaintiff Minaya and made her especially uncomfortable in light of what she had heard about the sexual harassment complaint made against Ferero.

86. Shortly after Plaintiff Minaya's complaint, Ferero told her that she was causing problems with the other employees, but that since she was a good worker he would transfer her to a different store.

87. Instead, Sweetgreen terminated Plaintiff Minaya's employment on or around November 1, 2022.

JENNIFER HENRY

88. Defendants Sweetgreen and Izquierdo created and fostered a discriminatory and hostile work environment against Plaintiff Henry on the basis of her gender and race.

89. Plaintiff Henry began working for Sweetgreen on or around December 26, 2019.

90. In or around April 2020, Plaintiff Henry was furloughed by Sweetgreen due to the disruption of Sweetgreen's business caused by the COVID-19 pandemic.

91. In or around October 2020, Sweetgreen brought Plaintiff Henry back to work as a "Three-Stripe Captain" (i.e., the third level of supervisor), with the intent of promoting her to "Assistant Coach" (i.e., assistant general manager). Sweetgreen had Plaintiff Henry train for her new role at its Wall Street location under the supervision of Head Coach Edwin Ventura.

92. After training at the Wall Street location for about one month, Sweetgreen moved Plaintiff Henry to its 38th Street and Broadway location where she trained as an Assistant Coach for approximately 6 weeks.

93. During the time Plaintiff Henry was at that restaurant she was subjected to widespread use of the N-word on a daily basis by the restaurant's Hispanic Assistant Coach and other Hispanic employees.

94. The Assistant General Manager would address Black and Hispanic employees alike as "my nigger." For example, to caution a worker he would say, "My nigger, watch what you're doing."

95. Other Hispanic employees also routinely addressed each other and referred to other people by the N-word.

96. The Head Coach was aware of and condoned this use of the N-word; he was sometimes present during these conversations, overheard the use of the N-word, and said nothing.

97. After completing her training in or around the end of November 2020, Plaintiff Henry was sent to work at the Sweetgreen located at 55th Street and Park Avenue, where Izquierdo was the Head Coach.

98. Izquierdo created and fostered a discriminatory environment based on Plaintiff Henry's gender, through sexually inappropriate comments and touching.

99. Specifically, at least twice per week Plaintiff Henry observed Izquierdo make sexually suggestive comments and gestures about female customers.

100. For example, Plaintiff Henry would see Izquierdo comment to a male friend about a female customer's "nice top" and say "make sure her bowl is extra nice" in a sexually

suggestive manner. While speaking this way Izquierdo would stare and nod at the customer's chest to indicate her breasts.

101. Izquierdo would frequently touch Plaintiff Henry on the small of her back and on her shoulder during conversations in a way that made her uncomfortable. While Plaintiff Henry noticed that Izquierdo did this to other female employees, he did not do it to male employees.

102. On several occasions, Plaintiff Henry also saw Izquierdo holding a female Hispanic supervisor, Betsy, around the waist in a sexually inappropriate manner.

103. Upon information and belief, Izquierdo and Betsy had an ongoing sexual relationship, which also caused Izquierdo to favor Betsy over other employees, including Plaintiff Henry.

104. Izquierdo also discriminated against Plaintiff Henry based on her race, by undermining her authority in favor of Hispanic supervisors, whom he preferred.

105. Plaintiff Henry was the only Black supervisor at the 55th and Park location and one of the only Black employees there.

106. As the Assistant Coach, Plaintiff Henry was supposed to be responsible for the restaurant's labor and food costs.

107. However, although Plaintiff Henry was the Assistant Coach, Izquierdo undermined her authority as a manager by effectively delegating many of her responsibilities to Betsy and another Hispanic supervisor, both of whom were supposed to be Plaintiff Henry's subordinates.

108. For example, when employees asked Izquierdo about areas that were Plaintiff Henry's responsibility—including setting orders for the store, staffing the stations, and what food needed to be prepared that day—he would invariably tell them, "Talk to Betsy."

109. Izquierdo often consulted with and attempted to train the two Hispanic supervisors. By contrast, he would only speak to Plaintiff Henry if she approached him and then only do so begrudgingly.

110. Plaintiff Henry complained to Izquierdo that he was undermining her authority as a manager by instructing employees to defer to her subordinate, Betsy, rather than her, and by failing to empower her to make decisions to control areas of her responsibility, such as food and labor costs. Izquierdo ignored Plaintiff Henry's complaint and did not change his behavior.

111. After Plaintiff Henry saw that Izquierdo was ignoring her complaint, she made the same complaint to Area Leader Christian Ferreira. He, too, ignored her complaint.

112. Plaintiff Henry then complained to Sweetgreen's Human Resources department about Izquierdo's behavior towards her. The department promptly notified Izquierdo of the complaint, who then notified Betsy, who then spread a false rumor to the restaurant employees that Plaintiff Henry was trying to get them all fired.

113. In or around early 2021, once it became apparent to Plaintiff Henry that Izquierdo would continue to undermine her authority as Assistant Coach and delegate her authority and responsibilities to the two Hispanic supervisors—her subordinates—she requested a transfer from the human resources department.

114. Sweetgreen's human resources department ignored Plaintiff Henry's requests for a transfer.

115. Seeing that the human resources department was not acting on her transfer request, Plaintiff Henry asked Tara Finchum, an Area Leader of an area that did not include the 55th and Park location, to transfer her into one of the stores under Finchum's supervision. Finchum agreed and effected the transfer.

SHAKIERRA GRIFFIN

116. Defendants Sweetgreen and Izquierdo discriminated against Plaintiff Griffin based on her race and gender.

117. Plaintiff Griffin began working for Sweetgreen in or around June 2019. She was initially sent to a Sweetgreen in Brooklyn for training.

118. In or around August 2019, Sweetgreen assigned Plaintiff Griffin to work at 55th and Park, where Izquierdo was the Head Coach.

119. Izquierdo discriminated against Griffin based on her race.

120. By early fall of 2019, Plaintiff Griffin had received her food handler's license, and completed all classes and qualifications necessary to become a Shift Leader.

121. Despite Plaintiff Griffin's qualifications, in or around November 2019 Izquierdo passed her over for promotion in favor of Plaintiff Alvarado, who was less qualified than Griffin, because Alvarado is partially Hispanic and Griffin is not.

122. Izquierdo also empowered a Hispanic supervisor, Betsy, to administer disciplinary write-ups, which she would do on a discriminatory basis by writing up Black employees and not writing up Hispanic employees for the same behavior or writing up Black employees even when they did not do anything wrong.

123. For example, on at least one occasion Betsy wrote up Plaintiff Griffin for not wearing a nametag, even though Griffin was only one of many employees—including Hispanic employees—who were not wearing a nametag. Betsy did not write up the Hispanic employees for the same infraction.

124. By way of another example, in or around late 2019 or early 2020, Plaintiff Griffin was also written up entirely without cause when she called out sick. Sweetgreen's policy at the

time required an employee calling out to call and email her supervisor at least 4 hours in advance of her shift. Griffin complied with the policy by calling and emailing her supervisor 4 hours in advance of her shift. She was nevertheless written up for calling out.

125. Frustrated by the discrimination she experienced to the point that she found the workplace intolerable, Plaintiff Griffin left her job with Sweetgreen in or around the middle of January 2020.

126. In or around June 2021, Plaintiff Griffin was rehired by Sweetgreen to work at its Meatpacking location at 32 Gansevoort Street in New York, New York. She had been informed by workers at that location that it was a better working environment than the one she had left at 55th and Park.

127. The Head Coach at 32 Gansevoort, named Lisa, promoted Plaintiff Griffin to Shift Leader in or around August 2021.

128. Shortly afterwards, in or around September 2021, Lisa resigned and was replaced as Head Coach by Oscar Ferero.

129. Soon after Ferero took over as Head Coach, 32 Gansevoort became a location where discriminatory conduct was part of Plaintiff Griffin's day-to-day experience.

130. From the time Ferero took over until the end of Plaintiff Griffin's employment with Sweetgreen, on a daily basis Plaintiff Griffin overheard Hispanic employees, including two employees named Maxima and Ismely, refer to Black employees in a derogatory way as "negro" or "negra" rather than using the Black employee's name. For example, they would say, in Spanish, to tell "esa Negra" [i.e., this black girl] to bring the food upstairs.

131. Hispanic employees would often berate Black employees while using "Black" as an adjective as part of derogatory phrases.

132. By way of example, Plaintiff Griffin overheard Maxima berate a Black male employee in Spanish, calling him “stupid little black boy.”

133. Plaintiff Griffin also noticed that Maxima would frequently use the derogatory term “puto” (prostitute or bitch), and would do so only when addressing or referring to Black employees.

134. By way of further example, on at least one occasion Maxima came into an area where Plaintiff Griffin had turned on music, and yelled at her to, in sum and substance, “turn that Black music off.”

135. In addition to what she personally overheard, Plaintiff Griffin was told about derogatory way Hispanic workers spoke about the Black workers by other Spanish speakers who overheard such comments.

136. In addition, despite having no official supervisory role, Maxima would order around Black coworkers. Ferero and the Assistant Coach knew about and ratified Maxima’s arrogation of a supervisory role, saying that employees had jobs to do and should listen to Maxima.

137. Ferero and the Assistant Coach also permitted Hispanic workers to stop working, eat, and relax while on the clock; they did not permit Black workers to do that.

138. Plaintiff Griffin repeatedly complained to Ferero and the Assistant Coach about the Hispanic workers denigrating and using discriminatory language towards their Black coworkers and about Hispanic workers being permitted to not work while on the clock.

139. In response, Ferero and the Assistant Coach usually took no action at all.

140. On at least one occasion, in or around February 2022, shortly after Plaintiff Alvarado left Sweetgreen, the Assistant Coach responded to a complaint by Plaintiff Griffin

about Hispanic workers not working by telling her, “First Kiana, now you. Maybe y’all are the problem.” Plaintiff Griffin understood “y’all” to refer to Black employees.

141. Plaintiff Griffin did not know of any Hispanic worker at 32 Gansevoort who faced any discipline for their continued use of discriminatory language.

142. Plaintiff Griffin also regularly experienced discrimination based on her gender during her time at 32 Gansevoort.

143. Plaintiff Griffin often observed Ismely and Maxima twerking in front of or otherwise lewdly dancing with Ferero and the Assistant Coach who laughed and danced along. Seeing her supervisors engaged in inappropriate sexual behavior in her workplace made Plaintiff Griffin feel that her supervisors viewed female employees as sexual objects.

144. Plaintiff Griffin objected to Ferero and the Assistant Coach engaging in this behavior, telling them that she did not think it was right that supervisors should be behaving that way.

145. Ferero would often touch Plaintiff Griffin and other female employees while conversing with them. He would not do this when conversing with male employees. This inappropriate touching further discomfited Plaintiff Griffin and reinforced her perception that Ferero viewed female employees as objects to be engaged in a physical and sexual manner.

146. Despite her status as Shift Leader which should have guaranteed her more hours than non-supervisory employees, Plaintiff Griffin was usually 10-15 fewer hours per week than Ismely.

147. In or around January 2023, Plaintiff Griffin requested a transfer. Sweetgreen never responded to her request. She has not worked for Sweetgreen since her request.

BILAL MCCLURE

148. Sweetgreen created and fostered a discriminatory and hostile work environment against Plaintiff Bilal McClure on the basis of his race.

149. Plaintiff McClure began working for Sweetgreen on or around July 19, 2019.

150. Plaintiff McClure was initially assigned to work as an Assistant Coach at Sweetgreen's 67 Wall Street location in lower Manhattan.

151. Plaintiff McClure took a leave of absence starting in March 2020 due to the COVID-19 pandemic.

152. Plaintiff McClure returned to work in or around June 2020.

153. As Assistant Coach at 67 Wall Street, Plaintiff McClure reported to Head Coach Edwin Ventura, who is Hispanic.

154. Ventura discriminated against Plaintiff McClure on the basis of Plaintiff McClure's race.

155. Ventura used the N-word on a daily basis, addressing Plaintiff McClure as "My nigger." For example, Ventura's usual form of address to Plaintiff McClure and others was "Hey, my nigger."

156. Ventura also tolerated widespread use of the N-word on a daily basis by the restaurant's other Hispanic employees.

157. For example, Hispanic Team Members named Ashley Garcia and Abril would constantly use the N-word to Plaintiff McClure and other Black employees in a derogatory manner, saying, for example, "Yo, shut up, my nigger," "My nigger, you're stupid," or "What's wrong with you, my nigger?"

158. When Black employees complained to the Hispanic employees about the Hispanic employees' use of the N-word, the Hispanic employees would complain to Ventura that the Black employees were "being aggressive" towards them.

159. Ventura's and the Hispanic employees' use of the N-word offended Plaintiff McClure.

160. As Assistant Coach, Plaintiff McClure disciplined and gave feedback to employees of all races as necessary.

161. Ventura pushed back against Plaintiff McClure's discipline, but only on occasions when Plaintiff McClure was disciplining a Hispanic employee. In those cases, Ventura would tell McClure that McClure needed to be able to work with all people, including people who were not up to McClure's standards, and that McClure should not hold those people to his own standards. If the employee Plaintiff McClure disciplined were Black, Ventura would say nothing.

162. In or around May 2021, Plaintiff McClure had a heated discussion with Ashley about a work issue. In the middle of that discussion, Xavier, a Hispanic Team Member, aggressively approached McClure, put a hand in McClure's face, and said to McClure in an aggressive and threatening tone, "Someday somebody is going to fuck you up, because you need to get fucked up." When McClure complained about Xavier's behavior to Ventura, Ventura said, in sum and substance, "Nobody's perfect," and took no action to discipline Xavier.

163. Ventura also racially discriminated in hiring, pay, and promotion.

164. In or around late 2021, Ventura hired a white Team Member named Haley at a rate of \$17 per hour. This was more than the \$16.25 per hour he agreed to pay Breanna Richards, an African American employee, when he hired her in May 2021.

165. Ventura explained to Plaintiff McClure that he needed to pay Haley at a higher rate because she was white and the customers wanted to see a white person at the register.

166. Ventura also told McClure that he did not want to hire Black people because they were too aggressive and he did not want to put up with them.

167. Ventura would disqualify Black job applicants based on subjective objections. For example, he would reject a Black female applicant saying, “She looks like she has an attitude problem.” Ventura did not say that any non-Black applicants looked like they had attitude problems.

168. On approximately three occasions, Plaintiff McClure complained about the discrimination at 67 Wall Street to Area Leader Tara Finchum, saying that Ventura was favoring Hispanic employees.

169. Following Plaintiff McClure’s complaints, neither Ms. Finchum nor anyone else at Sweetgreen took any action to address the discrimination Plaintiff McClure experienced at 67 Wall Street.

170. Instead, the discrimination continued unabated, until Ventura left and Plaintiff McClure became Head Coach in or around January 2022.

SHANTA STEVENS

171. Sweetgreen created and fostered a discriminatory and hostile work environment against Plaintiff Shanta Stevens on the basis of her race.

172. Prior to working at Sweetgreen, Plaintiff Stevens was a Shift Manager at Shake Shack.

173. Sweetgreen hired Plaintiff Stevens to work as a Shift Manager at its 67 Wall Street location in or around June 2020. Ventura was the Head Coach of that location at the time.

174. During the time Plaintiff Stevens worked at 67 Wall Street, she was subjected to widespread use of the N-word on a daily basis by the restaurant's Hispanic employees.

175. For example, Hispanic employees named Ashley Garcia and Abril would constantly use the N-word to Black employees in a derogatory manner, saying, for example, "Yo, shut up, my nigger," or "My nigger, you're stupid."

176. Plaintiff Stevens complained to Ventura about Ashley and Abril's use of the N-word. Ventura responded by saying to Plaintiff Stevens, in sum and substance, "Oh, we have to work together, we're a team."

177. After Plaintiff Stevens complained, Ventura took no action to prevent Ashley and Abril from using the N-word and they continued to do so on a daily basis.

178. Sweetgreen and Ventura also discriminated against Plaintiff Stevens by passing her over for promotion multiple times in favor of Hispanic employees.

179. In or around late 2020 Ventura told Plaintiff Stevens to finish the Sweetgreen online training courses that were prerequisites to becoming an Assistant Coach, and promised her that he would be promoting her to Assistant Coach soon.

180. Despite Plaintiff Stevens's completion of these online training courses, Ventura's promise to her, and Stevens's greater experience as a manager at both Sweetgreen and elsewhere, Ventura promoted less experienced and less qualified Hispanic employees over her.

181. For example, during the time Plaintiff Stevens worked at 67 Wall Street Ventura promoted Ashley Garcia and Abril from Team Members to Shift Leaders and then, in or around 2021, from Shift Leaders to Assistant Coaches.

182. At all relevant times, at Sweetgreen Shift Leaders were paid more than Team Members and Assistant Coaches were paid more than Shift Leaders.

183. Ventura segregated 67 Wall Street by shift—the Black Team Members were all assigned to the less desirable night shift.

184. This held true for the Shift Leaders, too; Ventura also gave the Hispanic Shift Leaders the more desirable daytime shifts and gave Plaintiff Stevens the less desirable nighttime shift.

185. Ventura and the Hispanic managers also understaffed the nighttime shift and allowed the Hispanic employees of the daytime shift to stop working early. Both of these practices resulted in Plaintiff Stevens having to do more work than the Hispanic Shift Leaders.

186. The daytime shift ran from 7 am to 4 pm while the nighttime shift ran from 3 pm to 10 pm. Per Sweetgreen's standard operating procedure, the daytime shift was supposed to clean up from their shift to leave the restaurant in good shape for the incoming nighttime shift. Instead, Venutra, Ashley, Abril and other Hispanic members of the daytime shift would play cards starting around 3 pm while still on the clock and leave the nighttime shift to tidy the store by itself.

187. In or around July 2022 Sweetgreen transferred Plaintiff Stevens to its location at 71st Street and First Avenue.

188. The Head Coach at that location was Angeline Gomez.

189. While the point of the transfer was ostensibly to get Plaintiff Stevens Assistant Coach training, there was little training or communication of any kind between Plaintiff Stevens and Gomez or any of the mostly-Hispanic managers and employees.

190. In fact, Gomez discouraged Plaintiff Stevens from communicating with the Hispanic employees, telling Plaintiff Stevens that the Hispanic employees would not understand

her. Therefore, whenever Plaintiff Stevens needed to instruct a Hispanic employee she needed to go through a Hispanic manager to communicate with the Team Member.

191. Most of the discussions at the restaurant, including the pre-shift speech and instructions took place solely in Spanish, which Plaintiff Stevens did not speak.

192. The lack of communication from managers and the inability to understand what was being said made Plaintiff Stevens feel isolated from the other managers and employees and ensured that Stevens did not receive the Assistant Coach training she required.

193. On one occasion, Area Leader Chrstina Blenche came to the restaurant and observed that all communication took place in Spanish. In reference to the communication, she asked Plaintiff Stevens how Plaintiff Stevens was doing. Plaintiff Stevens responded that she was uncomfortable.

194. Blenche's visit and conversation with Plaintiff Stevens changed nothing—the lack of communication continued.

195. In or around mid-September 2022, Sweetgreen transferred Plaintiff Stevens to its location at 67th Street and Columbus Avenue. Sweetgreen told Plaintiff Stevens that the transfer was to help her with her training for Assistant Coach.

196. That location was managed by a Hispanic Head Coach named Mauro and a Hispanic Assistant Coach named Paola.

197. Both Mauro and Paola failed to provide Plaintiff Stevens with sufficient training she needed to be an Assistant Coach.

198. In or around January 2023, Sweetgreen transferred Plaintiff Stevens back to its 67 Wall Street location.

JADE WILLIAMS

199. Sweetgreen and Ventura created and fostered a discriminatory and hostile work environment against Plaintiff Williams on the basis of her race and gender.

200. Sweetgreen hired Plaintiff Williams for the second time in or around January 2020, to work as a Shift Leader at its 67 Wall Street location.

201. Ventura was the Head Coach during the time Plaintiff Williams worked at 67 Wall Street.

202. Ventura used the N-word on a daily basis, addressing Plaintiff Williams and others saying, “Yo, what up, my nigger?”

203. Ventura also tolerated widespread use of the N-word on a daily basis by the restaurant’s other Hispanic employees, including Ashley Garcia and Abril.

204. For example, Garcia and Abril would say, “I don’t fuck with these niggers” to express their disinclination to engage with Black people.

205. On multiple occasions Plaintiff Williams overheard Ventura, Garcia, and Abril say, while conferring amongst themselves prior to or after weekly meetings and in reference to opportunities for promotion at Sweetgreen, “These niggers think they’re going to move up. They’re not.”

206. On multiple occasions, at weekly team meetings, Ventura, Garcia, and/or Abril said, in sum and substance, “Hispanic people work harder than Black people.”

207. On multiple occasions when Black employees were late to meetings, Ventura commented that they were moving on “Black people time.”

208. Ventura passed Plaintiff Williams over for promotion multiple times in favor of non-Black candidates.

209. For example, Ventura promoted a Hispanic employee named Igor to Shift Leader and then put him into a training program to become an Assistant Coach, despite Igor being a poor performer and less qualified than Plaintiff Williams to be an Assistant Coach.

210. In addition, Ventura promoted Garcia to Shift Leader and then Assistant Coach without promoting Plaintiff Williams, even though Williams trained Garcia to be a Shift Leader.

211. Sweetgreen used Plaintiff Williams and other Black employees to train employees of other races whom Sweetgreen then promoted ahead of the Black employees.

212. For example, Plaintiff Williams trained approximately five non-Black external applicants to become Assistant Coaches while Williams herself remained a Shift Leader.

213. Approximately every other day, Plaintiff Williams overheard Ventura making sexually inappropriate comments about female employees and customers while sitting in the restaurant lobby and speaking with other male managers or employees.

214. Ventura would compare the bodies of different females, discussing, for example whose buttocks was fatter.

215. By way of further example, Ventura would say about female employees or customers, in a manner that evinced lascivious intent, "They look good."

216. By way of further example, Ventura would ogle female employees or customers and comment to his male interlocutors, "Yo, you saw her bro?"

217. Plaintiff Williams also overheard Ventura discuss his sex life and sexual conquests on multiple occasions.

218. On several occasions, Ventura said to Plaintiff Williams that he would be willing to have sex with Black women. By way of explanation Ventura once said, "I had a Black girlfriend before, so how could I be racist?"

219. Ventura's sexually inappropriate remarks offended Plaintiff Williams and made her deeply uncomfortable.

220. In or around May 2021 Sweetgreen transferred Plaintiff Williams to its Greenwich location.

221. In or around June 2021 Sweetgreen transferred Plaintiff Williams to its location at 12th Street and University Place, where she worked until approximately November 2022.

222. The Head Coach at that location was a Hispanic female named Darleny Franco.

223. Several Hispanic employees, including a Cold Prep worker named Felix, Manny, and Lelvin made discriminatory comments about Plaintiff Williams.

224. For example, Felix and the other Hispanic employees nicknamed Plaintiff Williams "Gorilla" and referred to her that way.

225. When Plaintiff Williams complained to Franco about this racially offensive nickname, she responded, "I'm sorry you have to deal with that."

226. In addition, Felix and the other Hispanic employees used the N-word on a regular basis.

227. When Plaintiff Williams complained to Franco about her Hispanic coworkers' use of the N-word, Franco responded, "That's just Felix."

228. Franco failed to admonish, let alone discipline, the Hispanic employees for their use of the N-word or for calling Plaintiff Williams "Gorilla."

229. Franco also favored Hispanic employees by working to promote them and by failing to discipline them.

230. For example, while Franco spent many hours training Hispanic employees to be Shift Leaders or Assistant Coaches, she spent little time training Plaintiff Williams, despite Williams's requests for training.

231. Franco also supported Hispanic employees in any employment dispute they had with Black employees.

232. For example, when Felix would be insubordinate to Plaintiff Williams, Franco would not discipline him or allow Williams to discipline him.

233. In or around 2022, Area Leader Robert Coppola visited the University Place restaurant and criticized Plaintiff Williams for wearing a head-wrap to cover her Afro-textured locks. Coppola said about the head-wrap, "What is that?" When Williams explained, Coppola told her she was not allowed to wear such a head covering to work. At the same time Coppola and Sweetgreen permitted the Hispanic employees to wear similar head coverings for the same purpose including 'do rags and hairnets. Williams was humiliated by Coppola's unfairly singling out her head covering because of her race.

234. In or around November 2022, Sweetgreen transferred Plaintiff Williams to its restaurant located at 75th Steet and Amsterdam Avenue.

235. Hispanic employees there were treated better than Black employees.

236. For example, a Hispanic Team Member named Wilton paid others to do his work for him.

237. Wilton also harassed Black employees by using abusive language towards them and ignoring the instructions of Black managers. He did not behave this way towards employees of other races.

238. When Plaintiff Williams complained to the restaurant's Head Coach she told Plaintiff Williams that there was nothing she could do, because Wilton had been behaving that way for years dating back to the tenure of a previous Head Coach who was Hispanic. For that reason the Head Coach also told Plaintiff Williams that she should not report Wilton to HR.

239. Therefore, despite knowing about Wilton's payment of others to do his work for him and harassment of Black employees, and threats, the Head Coach did not discipline Wilton because he was Hispanic.

240. The discrimination continued through Plaintiff Williams's termination from Sweetgreen on or around July 9, 2023.

LASHAY FULLER

241. Sweetgreen and Ventura created and fostered a discriminatory and hostile work environment against Plaintiff Fuller on the basis of her race and gender.

242. In or around 2019 Sweetgreen hired Plaintiff Fuller as a Service Manager at its 67 Wall Street location.

243. Ventura was the Head Coach at 67 Wall Street during the time Plaintiff Fuller worked there.

244. Plaintiff Fuller heard Ventura use the N-word approximately twice per week.

245. Initially, Ventura addressed Plaintiff Fuller by saying, "What up, my nigger?" However, he stopped after she made it clear to Ventura that she was uncomfortable with that word and that she did not want him to address her that way. However, Ventura continued to address other employees that way in Plaintiff Fuller's presence.

246. Approximately twice per week, Plaintiff Fuller overheard Ventura refer to other Black employees and sometimes other employees using the N-word.

247. For example, in reference to something people had done Ventura would say, “Those niggers did” it.

248. By way of further example, Plaintiff Fuller sometimes heard Ventura tell a group of Black employees “Y’all my niggers.”

249. Ventura explained his use of the N-word by saying, “You know, I hung out with Black people in my life, it’s OK for me to say that.”

250. Ventura also tolerated widespread use of the N-word on a daily basis by the restaurant’s other Hispanic employees, including Ashley Garcia and Abril.

251. For example, Garcia and Abril would say, “I don’t fuck with these niggers” to express their disinclination to engage with Black people.

252. Plaintiff Fuller repeatedly complained to Ventura about Garcia and Abril’s use of the N-word. She also told Garcia, about use of the N-word and in reference to the restaurant’s Black employees, “You know you’re hurting our feelings.” Despite these complaints, Ventura failed to admonish or discipline Garcia and Abril and Garcia and Abril continued to use the N-word on a daily basis, including in front of Ventura.

253. In fact, rather than discipline Garcia and Abril, Ventura rewarded them by promoting them to Service Manager and giving them the preferred work assignments of opening the restaurant and working on day shifts.

254. Garcia and Abril received these promotions despite having an extensive record of unreliability, including call-outs and “no call no shows” (i.e., absences without informing management) for which they were written-up.

255. By contrast, while Ventura promised Plaintiff Fuller that she would receive a promotion to Assistant Coach once she received her food handler’s license and finished her

training, Plaintiff Fuller was not promoted to Assistant Coach despite obtaining her food handler's license and completing the training indicated.

256. Instead, Sweetgreen used Plaintiff Fuller to train approximately five or six employees of other races whom Sweetgreen then promoted ahead of Plaintiff Fuller.

257. On multiple occasions, at weekly team meetings, Ventura, Garcia, and/or Abril said, in sum and substance, "Hispanic people work harder than Black people."

258. For example, in rejecting Black job applicants in favor of Hispanic applicants, Ventura would say, as a general statement, "Lisa gets more stuff done than Shaquana."

259. Ventura made sexually inappropriate comments to Plaintiff Fuller approximately once per week for the first six months she was there.

260. For example, if Plaintiff Fuller had to bend down, Ventura would ogle her buttocks and comment, "Lashay, wow, you better be careful how you bend over" or "You better watch that."

261. During that period Ventura would also touch her on the small of Plaintiff Fuller's back when speaking with her.

262. During that period Ventura also made comments about Plaintiff Fuller's clothes and her body, commenting that a certain outfit was a "nice fit" and saying "make sure you don't show all that" in reference to her breasts and buttocks.

263. The touching and comments made Plaintiff Fuller very uncomfortable, but she was scared to object because Ventura was her manager and she did not want him to think she was causing problems.

264. One day, after approximately six months of enduring the touching and comments, Plaintiff Fuller pulled back when Ventura touched her and told him she was not comfortable with him touching her and with his comments.

265. After Plaintiff Fuller's objections, Ventura stopped touching her and making those comments to her.

266. Throughout her time working at 67 Wall Street, Plaintiff Fuller observed Ventura regularly touching female employees and overheard him making sexually inappropriate comments about female employees and customers.

267. The comments were similar to those Ventura made to and about Plaintiff Fuller. He had a penchant for loudly calling to the attention of everyone within earshot any female employee or customer who moved in a way that he felt accentuated her buttocks or breasts.

268. Ventura's touching of other female employees and comments about other female employees and customers offended Plaintiff Fuller and made her very uncomfortable.

269. Sweetgreen and Ventura continued to discriminate against Plaintiff Fuller based on her race and gender until she transferred to Sweetgreen's NoMad location in or around early 2021.

FIRST CAUSE OF ACTION

Discrimination on the Basis of Race In Violation of Section 8-107 of Title 8 of The New York City Charter and Administrative Code

270. Plaintiffs repeat and re-allege each and every allegation set forth above as if fully set forth herein.

271. As set forth more fully above, Defendants subjected Plaintiffs to discrimination, racial harassment, and a hostile work environment based on race.

272. Such discrimination and harassment consisted of, among other things: daily use of the N-word and other derogatory comments, including the phrases “esa negro” and “esa negra” to describe Plaintiffs and their Black coworkers; worse treatment than Hispanic workers in areas ranging from hiring and promotion opportunities to hours worked and compensation.

273. As set forth more fully above, Defendants participated in, approved of, condoned and ratified the racial harassment, discrimination and the hostile work environment on the basis of race perpetrated against Plaintiff.

274. The racial harassment, discrimination and the hostile work environment that Defendants perpetrated against Plaintiffs were continuing and intentional in nature.

275. Such harassment and discrimination offended Plaintiffs.

276. As a result of the racial harassment, discrimination and hostile work environment on the basis of race, Plaintiffs have suffered, and continue to suffer, inter alia, economic losses as well as pain and suffering, emotional distress, mental anguish, and other non-pecuniary losses, as to which they are entitled to past, present and future compensatory damages, in the maximum amount permitted by law.

277. Because Defendants acted with malice or reckless indifference to Plaintiffs’ rights, Plaintiffs are entitled to punitive damages in an amount to be determined at trial, but not less than the maximum amount permitted by law.

SECOND CAUSE OF ACTION
Discrimination on the Basis of Gender In Violation of Section 8-107 of
Title 8 of The New York City Charter and Administrative Code

278. Plaintiffs repeat and re-allege each and every allegation set forth above as if fully set forth herein.

279. As set forth more fully above, Defendants subjected Plaintiffs Alvarado, Arias, Griffin, Henry, Minaya, Williams, and Fuller to discrimination, harassment, and a hostile work environment based on gender.

280. Such harassment and discrimination included inappropriately sexual comments on a daily basis by such plaintiffs' supervisor and coworkers directed at them, their female coworkers, and female customers.

281. Such harassment and discrimination offended Plaintiffs Alvarado, Arias, Griffin, Henry, Minaya, Williams, and Fuller.

282. As a result of the harassment, discrimination and hostile work environment on the basis of gender, Plaintiffs Alvarado, Arias, Griffin, Henry, Minaya, Williams, and Fuller have suffered, and continue to suffer, inter alia, economic losses as well as pain and suffering, emotional distress, mental anguish, and other non-pecuniary losses, as to which they are entitled to past, present and future compensatory damages, in the maximum amount permitted by law.

283. Because Defendants acted with malice or reckless indifference to Plaintiffs' rights, Plaintiffs Alvarado, Arias, Griffin, Henry, Minaya, Williams, and Fuller are entitled to punitive damages in an amount to be determined at trial, but not less than the maximum amount permitted by law.

THIRD CAUSE OF ACTION

Aiding, Abetting, and Inciting In Violation of Section 8-107 of Title 8 of The New York City Charter and Administrative Code

284. Plaintiffs repeat and re-allege each and every allegation set forth above as if fully set forth herein.

285. As set forth more fully above, Defendants Izquierdo and Ventura aided, abetted, incited, compelled and/or coerced the following unlawful practices, and/or or attempted to do so:

the creation, fostering, and approval of racial and sexual harassment, discrimination, and a hostile work environment on the basis of race and gender suffered by Plaintiffs.

286. The discrimination that Defendants Izquierdo and Ventura aided and abetted against Plaintiffs was continuing and intentional in nature.

287. As a result, Plaintiffs have suffered economic losses.

288. As a result of the discrimination that Defendants Izquierdo and Ventura aided and abetted, Plaintiffs have suffered, and continue to suffer, inter alia, pain and suffering, emotional distress, mental anguish, and other non-pecuniary losses, as to which they are entitled to past, present and future compensatory damages, in the maximum amount permitted by law.

289. Because Defendants Izquierdo and Ventura acted with malice or reckless indifference to Plaintiffs' rights, Plaintiffs are entitled to punitive damages in an amount to be determined at trial, but not less than the maximum amount permitted by law.

FOURTH CAUSE OF ACTION
New York Labor Law—Minimum Wage Violation

290. Plaintiffs repeat and re-allege each and every allegation set forth above as if fully set forth herein.

291. The minimum wage provisions set forth in the NYLL § 652 and related regulations apply to Defendants as employers and Plaintiffs as employees.

292. Defendants were required to pay Plaintiffs at a rate not less than the minimum wage under the NYLL for all hours worked.

293. Defendant Sweetgreen willfully failed to pay Plaintiff Oscar the minimum wage for his off-the-clock work in or around October 15-29, 2021.

294. By virtue of Defendant's Sweetgreen failure to pay Plaintiff Oscar the minimum wage for all hours worked, Defendant Sweetgreen has willfully violated NYLL §§ 650 *et seq.*

and the related regulations issued by the New York State Department of Labor, including but not limited to 12 N.Y.C.R.R. § 146-1.2.

295. As a result of the unlawful acts of Defendant Sweetgreen, Plaintiff Oscar has been deprived of wages in amounts to be determined at trial, and is entitled to recovery of such amounts, as well as liquidated damages, prejudgment interest, attorneys' fees, costs, and other compensation pursuant to N.Y. Lab. Law §§ 650 *et seq.*

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court grant the following relief:

- a. A declaratory judgment that the practices complained of herein are unlawful under the NYCHRL;
- b. An award of monetary damages to be determined at trial, plus prejudgment interest, to compensate Plaintiffs for all monetary and/or economic damages, pain and suffering, mental anguish and emotional distress, humiliation and loss of self-esteem;
- c. An award of punitive damages;
- d. An award of attorneys' fees and costs incurred in this action; and
- e. Such other and further relief as this Court deems just and proper.

Dated: New York, New York
September 14, 2023

Respectfully submitted,

ARENSON, DITTMAR & KARBAN

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