

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

_____)		
JANE DOE,)		
c/o 1825 K St NW., Suite 750)		
Washington, DC 20006)	Case No.:	_____
Plaintiff)		
v.)		
	Dated: May 9, 2024	
Darden Restaraunts, Inc.,)		
d/b/a Olive Garden Italian Restaurant)		
1000 Darden Center Drive,)		
Orlando, Florida 32837,)		
Defendant.)		
_____)		

COMPLAINT

COMES NOW Plaintiff Jane Doe, by and through her undersigned counsel, and brings this civil action against Defendant Darden Restaurants d/b/a Olive Garden Italian Restaurant, (“Defendant” or “Olive Garden”) as follows:

NATURE OF THE CASE

1. On or about August 1, 2022, Plaintiff began working for Defendant Olive Garden as a production cook and line cook at the Nottingham (Baltimore), Maryland location within the White Marsh Mall.
2. Defendant Darden Restaurants is a full-service dining company, operating over 1800 locations of chain restaurants, including Olive Garden.
3. From the time of her hiring until Plaintiff was forced to resign from Olive Garden, she was subjected to continuous sexual harassment by a coworker, [REDACTED].
4. The harassment includes acts that constitute battery, including Mr. [REDACTED] grinding his crotch area against Plaintiff’s behind and a physical assault, despite Plaintiff’s multiple

complaints to her managers at the Nottingham location.

5. Plaintiff brings this action alleging violations of Title VII of the Civil Rights Act of 1964, the Maryland Fair Employment Practices Act, and the Baltimore County Code.

VENUE AND JURISDICTION

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331.
7. Venue is proper pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

THE PARTIES

8. Plaintiff resides in Maryland, and formerly worked for Defendant.
9. Defendant is a Florida corporation with numerous Olive Garden locations in Maryland.
10. At all relevant times herein, Plaintiff was employed by Defendant, and was Defendants' "employee" within the meaning and subject to the protections of Title VII of the Civil Rights Act, Maryland Fair Employment Practices Act, and the Baltimore County Code.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. Plaintiff exhausted her administrative remedies by timely filing a charge of discrimination (Charge No. 531-2023-04253) with the U.S. Equal Employment Opportunity Commission ("EEOC") on May 26, 2023.
12. On February 9, 2024, Plaintiff received a Notice of Right to Sue from the EEOC Baltimore Field Office. Plaintiff files this Complaint within 90 days of receiving the Notice of Right to Sue.

STATEMENT OF FACTS

13. Plaintiff began working at Olive Garden on August 1, 2022, as a production cook and line cook.
14. At the beginning of Plaintiff's tenure, her coworker, [REDACTED] was friendly to her.

But within one week, he began making unwanted physical contact with Plaintiff.

15. Each shift, without fail, Mr. [REDACTED] consistently rubbed and pressed his crotch against Plaintiff's behind when he walked behind her.
16. This happened several times per shift that they worked together – sometimes more than 20 times in a single 8-hour shift.
17. Anytime Plaintiff bent over to get ice from the machine or to perform other regular duties assigned to her, Mr. [REDACTED] found a way to position himself directly behind her and press his crotch up against her behind.
18. Even when there were multiple routes for Mr. [REDACTED] to get to his workstation without crowding Plaintiff, he always took a route that led him past Plaintiff and then rubbed himself against her.
19. Due to the nature of the restaurant kitchen set up, Mr. [REDACTED] passed Plaintiff on average about 20 times in an eight-hour shift.
20. Plaintiff felt violated and feared for her safety every day. Mr. [REDACTED]'s disgusting behavior has Plaintiff constantly on edge and humiliated while at work. She became vigilant to avoid him and check her surroundings at all times for fear that he would again grind his pelvis against her.

Plaintiff begins reporting Mr. [REDACTED]'s behavior to Olive Garden management.

21. Mr. [REDACTED]'s behavior has persisted despite Plaintiff's reports to General Manager Parker Rosenau in early October 2022.
22. Not only did Mr. Rosenau do nothing to stop Mr. [REDACTED]'s harassment of Plaintiff, Mr. Rosenau belittled Plaintiff, telling her that she should not "miss out on a husband." Mr. [REDACTED]'s harassment persisted.

23. Dismayed by Mr. Rosenau's response, Plaintiff reported the harassment to another manager, Christine [last name unknown], in mid-October 2022.

24. Upon information and belief, Christine did nothing more than speak to Mr. Rosenau and Mr. [REDACTED] about Mr. [REDACTED]'s inappropriate behavior.

25. Because no real action was taken, Mr. [REDACTED] continued his incessant rubbing and grinding of his pelvis against Plaintiff.

Mr. [REDACTED]'s harassment continues to escalate.

26. Emboldened by the company's tolerance of his vulgar behavior, Mr. [REDACTED]'s harassment escalated on November 30, 2022, when he physically held a door against Plaintiff, wedging her up against a towel rack.

27. Mr. [REDACTED] watched and waited for Plaintiff to approach the restroom, then went into the restroom with the door half open.

28. When Mr. [REDACTED] saw Plaintiff approach the towel rack, he shut the restroom door giving Plaintiff space to retrieve what she needed from the towel rack.

29. Seconds later, knowing that Plaintiff was between the towel rack and the restroom door, Mr. [REDACTED] flung the restroom door open into Plaintiff's back, pinning her against the towel rack.

30. Plaintiff freed herself from behind the restroom door, she confronted Mr. [REDACTED] and told him he needs to leave her alone.

31. Another manager, Julia Ellis, encouraged Plaintiff to write up a report summarizing the events. At that time, Ms. Ellis expressed to Plaintiff that she was under the impression Mr. Rosenau had already addressed the situation.

32. Later that day, Plaintiff began to feel excruciating pain in her upper back from being pinned

against the towel rack.

33. She was so upset about the escalating harassment and Olive Garden's refusal to correct the behavior that she decided to speak with the police.

Olive Garden refuses to take action after Plaintiff's reports of sexual harassment and assault.

34. On December 3, 2022, Mr. Rosenau called Plaintiff and told her that he "spoke with" Mr. [REDACTED]

35. Mr. Rosenau said that "[REDACTED] knows not to do it again" and that Olive Garden would not be terminating Mr. [REDACTED]'s employment.

36. On December 7, 2022, Mr. Rosenau's supervisor, Brandy, called Plaintiff. Brandy stated that she also "spoke with" Mr. [REDACTED] but would not say if he received any discipline or consequence for his actions.

37. Olive Garden continued to schedule Plaintiff and Mr. [REDACTED] for the same shifts until Plaintiff was forced to leave the position in or about March 2023.

38. Before resigning from her position, Plaintiff was in a constant state of fear at work.

39. When Plaintiff suggested to Olive Garden management to schedule her working hours when Mr. [REDACTED] was not working, Ms. Ellis told her, "Just don't think about it."

40. After the December 2022 holidays, Mr. [REDACTED] continued to make Plaintiff uncomfortable and made completing her job duties more difficult.

41. Mr. [REDACTED] routinely left work early without finishing his dishwashing duties. When Mr. [REDACTED] did not wash the trays, Plaintiff was unable to load up the trays with pasta and bread she made on Saturdays.

42. Management also reduced Plaintiff's hours after she complained of Mr. [REDACTED]'s sexual harassment, and management began training new employees on duties that were previously

Plaintiff's responsibility.

43. Plaintiff used to regularly work Monday through Thursday, occasionally picking up some weekend shifts, but her hours were drastically decreased by Spring 2023, and she was only given shifts from Monday through Wednesday.
44. Plaintiff had no choice but to resign from her position in March 2023.

COUNT I

Sex discrimination/sexual harassment in violation of Title VII of the Civil Rights Act

45. Plaintiff adopts by reference each of the allegations in the paragraphs above.
46. At all pertinent times, Defendant was an employer under Title VII of the Civil Rights Act of 1964.
47. At all pertinent times, Plaintiff was an employee entitled to protection under Title VII of the Civil Rights Act of 1964.
48. Defendant discriminated against Plaintiff and subjected her to disparate treatment due to her sex because management was aware of the sexual harassment being perpetrated by its employee yet did nothing to address it.
49. By and through its conduct, Defendant violated Title VII of the Civil Rights Act of 1964.

COUNT II

Hostile Work Environment & Harassment: Retaliation for reporting sex discrimination/sexual harassment in violation of Title VII of the Civil Rights Act

50. Plaintiff adopts by reference each of the allegations in the paragraphs above.
51. At all pertinent times, Defendant was an employer under Title VII of the Civil Rights Act of 1964.
52. At all pertinent times, Plaintiff was an employee entitled to protection under Title VII of the Civil Rights Act of 1964.

53. Defendant subjected Plaintiff to a hostile work environment because of and sex and in retaliation for engaging in protected activities when reporting the sexual harassment, when: Defendant allowed Mr. [REDACTED] to continue making Plaintiff uncomfortable after reporting the sexual harassment, allowing him to routinely leave work early and force Plaintiff to either perform his duties, or make it impossible for Plaintiff to perform her own duties; and when Defendant management reduced Plaintiff's working hours after she complained of Mr. [REDACTED]'s sexual harassment, and management began training new employees on duties that were previously Plaintiff's responsibility. Plaintiff used to regularly work Monday through Thursday, occasionally picking up some weekend shifts, but her hours were drastically decreased by Spring 2023, and she was only given shifts from Monday through Wednesday.
54. Title VII of the Civil Rights Act of 1964 prohibits harassment based on a protected characteristic. Defendant subjected Plaintiff to a hostile work environment based on sexual harassment in connection to her sex because management was aware of the sexual harassment being perpetrated by its employee yet did nothing to address it.
55. Sexual harassment is conduct of a sexual nature that alters an individual's terms, conditions, or privileges of employment or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.
56. Defendant permitted the hostile work environment to continue and increase in severity such that Plaintiff was unable to tolerate the hostility and was constructively discharged.
57. Defendants knowingly and intentionally engaged in unlawful discrimination and permitted Plaintiff to be sexually harassed based on her sex.
58. By and through its conduct, Defendant violated Title VII of the Civil Rights Act.

COUNT III

Sex discrimination/sexual harassment in violation of the Maryland Fair Employment Practices Act

59. Plaintiff adopts by reference each of the allegations in the paragraphs above.
60. At all pertinent times, Defendant was an employer under the Maryland Fair Employment Practices Act (“FEPA.”)
61. At all pertinent times, Plaintiff was an employee entitled to protection under FEPA.
62. Defendant discriminated against Plaintiff and subjected her to disparate treatment due to her sex because management was aware of the sexual harassment being perpetrated by its employee yet did nothing to address it.
63. By and through its conduct, Defendant violated FEPA.

COUNT IV

Hostile Work Environment & Harassment: Retaliation for reporting sex discrimination/sexual harassment in violation of the Maryland Fair Employment Practices Act

64. Plaintiff adopts by reference each of the allegations in the paragraphs above.
65. At all pertinent times, Defendant was an employer under FEPA.
66. At all pertinent times, Plaintiff was an employee entitled to protection under FEPA.
67. Defendant subjected Plaintiff to a hostile work environment because of and sex and in retaliation for engaging in protected activities when reporting the sexual harassment, when: Defendant allowed Mr. [REDACTED] to continue making Plaintiff uncomfortable after reporting the sexual harassment, allowing him to routinely leave work early and force Plaintiff to either perform his duties, or make it impossible for Plaintiff to perform her own duties; and when Defendant management reduced Plaintiff’s working hours after she complained of Mr. [REDACTED]’s sexual harassment, and management began training new

employees on duties that were previously Plaintiff's responsibility. Plaintiff used to regularly work Monday through Thursday, occasionally picking up some weekend shifts, but her hours were drastically decreased by Spring 2023, and she was only given shifts from Monday through Wednesday.

68. FEPA prohibits harassment based on a protected characteristic. Defendant subjected Plaintiff to a hostile work environment based on sexual harassment in connection to her sex because management was aware of the sexual harassment being perpetrated by its employee yet did nothing to address it.

69. Sexual harassment is conduct of a sexual nature that alters an individual's terms, conditions, or privileges of employment or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

70. Defendant permitted the hostile work environment to continue and increase in severity such that Plaintiff was unable to tolerate the hostility and was constructively discharged.

71. Defendants knowingly and intentionally engaged in unlawful discrimination and permitted Plaintiff to be sexually harassed based on her sex.

72. By and through its conduct, Defendant violated FEPA.

COUNT V

Sex discrimination/sexual harassment in violation of Baltimore County Code (Article 3, Title 3, Subtitle 11 of the Baltimore County Code 2003)

73. Plaintiff adopts by reference each of the allegations in the paragraphs above.

74. At all pertinent times, Defendant was an employer under the Baltimore County Code.

75. At all pertinent times, Plaintiff was an employee entitled to protection under the Baltimore County Code.

76. Defendant discriminated against Plaintiff and subjected her to disparate treatment due to

her sex because management was aware of the sexual harassment being perpetrated by its employee yet did nothing to address it.

77. By and through its conduct, Defendant violated the Baltimore County Code.

COUNT VI

Hostile Work Environment & Harassment: Retaliation for reporting sex discrimination/sexual harassment in violation of Baltimore County Code (Article 3, Title 3, Subtitle 11 of the Baltimore County Code 2003)

78. Plaintiff adopts by reference each of the allegations in the paragraphs above.

79. At all pertinent times, Defendant was an employer under the Baltimore County Code.

80. At all pertinent times, Plaintiff was an employee entitled to protection under the Baltimore County Code.

81. Defendant subjected Plaintiff to a hostile work environment because of and sex and in retaliation for engaging in protected activities when reporting the sexual harassment, when: Defendant allowed Mr. [REDACTED] to continue making Plaintiff uncomfortable after reporting the sexual harassment, allowing him to routinely leave work early and force Plaintiff to either perform his duties, or make it impossible for Plaintiff to perform her own duties; and when Defendant management reduced Plaintiff's working hours after she complained of Mr. [REDACTED]'s sexual harassment, and management began training new employees on duties that were previously Plaintiff's responsibility. Plaintiff used to regularly work Monday through Thursday, occasionally picking up some weekend shifts, but her hours were drastically decreased by Spring 2023, and she was only given shifts from Monday through Wednesday.

82. The Baltimore County Code prohibits harassment based on a protected characteristic. Defendant subjected Plaintiff to a hostile work environment based on sexual harassment in

connection to her sex because management was aware of the sexual harassment being perpetrated by its employee yet did nothing to address it.

83. Sexual harassment is conduct of a sexual nature that alters an individual's terms, conditions, or privileges of employment or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

84. Defendant permitted the hostile work environment to continue and increase in severity such that Plaintiff was unable to tolerate the hostility and was constructively discharged.

85. Defendants knowingly and intentionally engaged in unlawful discrimination and permitted Plaintiff to be sexually harassed based on her sex.

86. By and through its conduct, Defendant violated the Baltimore County Code.

JURY TRIAL DEMAND

87. Plaintiff demands a jury trial on all claims against Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment against Defendants on all Counts, and award Plaintiff lost wages and benefits; pecuniary damages; compensatory damages; punitive damages; liquidated damages in an amount equal to Plaintiff's lost wages, benefits, and other compensation; liquidated damages in the amount of Plaintiff's pecuniary damages; an amount equal to the tax on any award; costs; attorney's fees; and any such other relief as the Court deems just and proper.

Respectfully submitted,

Alan Lescht and Associates, P.C.

By: /s/ Tamara Slater

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Counsel for Plaintiff

Rule 1-313 Certification

I certify that I am admitted to practice law in the state of Maryland.

/s/ Tamara Slater
Tamara Slater

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input checked="" type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Title VII of the Civil Rights Act - sex discrimination, sexual harassment, retaliation

VII. REQUESTED IN COMPLAINT
 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$ 500000
 JURY DEMAND:
 Check YES only if demanded in complaint
 YES NO

VIII. RELATED CASE(S) IF ANY
 (See instruction)
 YES NO
 If yes, please complete related case form

DATE: 05/09/2024
 SIGNATURE OF ATTORNEY OF RECORD /s/ Tamara Slater

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Maryland

Jane Doe

Plaintiff(s)

v.

Darden Restuarants, Inc.,
d/b/a Olive Garden Italian Restaurant

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Darden Restaurants, Inc., d/b/a Olive Garden Italian Restaurant
1000 Darden Center Drive,
Orlando FL 32837

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Tamara Slater, Alan Lescht & Associates, P.C.
1825 K St NW, Suite 750
Washington, DC 20006

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk