

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CHARLOTTE SWETT,

Case No.:

Plaintiff,

COMPLAINT

-against-

UNAPOLOGETIC FOODS LLC &
TAPESTRY MANAGEMENT LLC,

**PLAINTIFF DEMANDS
A TRIAL BY JURY**

Defendants.
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Plaintiff CHARLOTTE SWETT (“Plaintiff”), by her attorneys, PHILLIPS & ASSOCIATES P.C., hereby complains of the Defendants, upon information and belief, as follows:

NATURE OF THE ACTION

1. This lawsuit concerns a restaurant group allowing its Operations Director, Santo Pesantez (“Pesantez”), to use his authority over young female subordinates as a license to sexually harass, intimidate, and retaliate against them. While employed by Defendants (later defined) as a Maître D’ at award-winning South Indian restaurant Semma, Plaintiff experienced a workplace where Pesantez sexually harassed subordinate female employees.
2. Within months of Plaintiff’s employment with Defendants, Pesantez isolated Plaintiff outside the workplace under the guise of having friendly drinks, pressed Plaintiff about her dating life, repeatedly groped Plaintiff’s leg despite her efforts to move away, and tricked her into accompanying him to a strip club. At the strip club, Pesantez inappropriately badgered Plaintiff to tell him how many men she had slept with, said he was “usually into Asians and not white women” but liked her, told her that her skirt would look better without underwear, and suggested she could make more money stripping than hosting.

3. This was not an isolated incident, but part of a pattern that Defendants' supervisors and owners knew about. Indeed, Plaintiff's supervisors were not surprised when Plaintiff reported her debaucherous outing with Pesantez because he had apparently done the same with other Hosts. Moreover, when Pesantez learned about Plaintiff's sexual harassment complaint, he responded by retaliating against Plaintiff by denying Plaintiff a promotion to Server for over a year.
4. Fed up with Pesantez's pattern of sexual harassment and retaliation, Plaintiff complained in writing to Defendants' Human Resources on January 22, 2026. Defendants subsequently terminated Pesantez but refused to (i) acknowledge that Pesantez had engaged in sexually inappropriate workplace conduct; (ii) advise Plaintiff of any remedial action to prevent subsequent sexual harassment in the workplace; or (iii) otherwise take responsibility for Pesantez's open and notorious conduct. In the end, Defendants' refusal to acknowledge or rectify the sexual harassment Plaintiff and her colleagues experienced forced Plaintiff to resign her position.
5. Based on these facts, Plaintiff brings this action pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e et seq. ("Title VII"), the New York State Human Rights Law, N.Y. Exec. Law §§ 296 et seq. ("NYSHRL"), and the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101 et seq. ("NYCHRL"), and seeks relief and damages to redress the injuries she has suffered as a result of being sexually harassed and subjected to a hostile work environment on the basis of her sex/gender (female) and retaliated against for engaging in one or more protected activities. Plaintiff seeks compensatory damages for economic losses and emotional distress and punitive damages.

JURISDICTION, VENUE, AND PROCEDURAL PREREQUISITES

6. Jurisdiction of this Court is proper under 28 U.S.C. §§ 1331 and 1343 as this action arises under 42 U.S.C. § 2000e, et seq.
7. The Court has supplemental jurisdiction over the claims that Plaintiff has brought under State law pursuant to 28 U.S.C. § 1367.
8. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) as Defendants reside within the Southern District of New York and/or the acts complained of occurred therein.
9. By: (a) timely filing a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) on June 12, 2026; (b) receiving a Notice of Right to Sue from the EEOC on June 30, 2026; and (c) commencing this action within 90 days of the issuance of the Notice of Right to Sue by the EEOC, Plaintiff has satisfied all of the procedural prerequisites for the commencement of the instant action. A copy of the Notice of Right to Sue is attached hereto as Exhibit A.

PARTIES

10. Plaintiff is a female resident of the State of New York, County of New York.
11. Defendant UNAPOLOGETIC FOODS LLC (“UNAPOLOGETIC FOODS”) is a limited liability company duly existing pursuant to, and by virtue of, the laws of the State of New York.
12. Upon information and belief, UNAPOLOGETIC FOODS has its principal place of business at 140 West 32nd Street, New York, New York 10001.
13. UNAPOLOGETIC FOODS operates restaurant and hospitality businesses in New York City including Dhamaka, Adda, Masalawala & Sons, Rowdy Rooster, Naks, Biryani Bol and Semma, located at 60 Greenwich Avenue, New York, New York 10011 (“Semma”).

14. Upon information and belief, UNAPOLOGETIC FOODS employed fifteen (15) or more employees at all relevant times, satisfying the statutory threshold for coverage under Title VII.
15. Defendant TAPESTRY MANAGEMENT LLC (“TAPESTRY”) is a limited liability company duly existing pursuant to, and by virtue of, the laws of the State of New York.
16. Upon information and belief, TAPESTRY has its principal place of business at 1512 Benson Street, 3rd Floor, Bronx, New York 10461.
17. TAPESTRY processed payroll and maintained employment records for employees working at Defendants’ restaurant locations, including Semma.
18. Upon information and belief, TAPESTRY employed fifteen (15) or more employees at all relevant times, satisfying the statutory threshold for coverage under Title VII.
19. Defendants TAPESTRY and UNAPOLOGETIC FOODS are referred to collectively as “Defendants”.
20. Upon information and belief, Defendants are related entities that share common ownership, management, and control, and at all relevant times were Plaintiff’s joint employers, sharing control over the administrative aspects of Plaintiff’s employment, including hiring, firing, discipline, supervision, and the terms and conditions of her employment.
21. At all relevant times herein from approximately April 12, 2024, through June 4, 2026, Plaintiff was an employee of Defendants, working as a Lead Host at Semma.

MATERIAL FACTS

Plaintiff’s Employment with Defendants

22. On or around April 12, 2024, Defendants hired Plaintiff as a Host at Semma.
23. Plaintiff’s initial wage was \$16 per hour, with a .20 share of the tip pool.
24. Plaintiff excelled at Semma by quickly learning the Toast and Resy reservation systems, became familiar with the entire menu, frequently recommended options for guests waiting at

the front, ran drinks and bussed tables.

25. Due to excellent work, in or around May 2024, Plaintiff was promoted to Maître D’.

26. As a Maître D’, Plaintiff’s wage was \$16 per hour or \$11.35 during tipped hours, plus a .40 share of the tip pool.

27. In Plaintiff’s most recent roles as a Busser and a Food Runner, Plaintiff earned \$17 an hour or \$11.35 during tipped hours, and a .55 or .70 share of the tip pool, respectively. As a server, Plaintiff earned a .90 share of the tip pool.

28. Throughout her employment with Defendant, Plaintiff never received negative performance reviews or write-ups.

29. Pesantez, Defendants’ Director of Operations, served as Plaintiff’s direct supervisor.

30. As Director of Operations, Pesantez had authority over Plaintiff’s work assignments, scheduling, promotions, and other terms and conditions of Plaintiff’s employment.

Pesantez Notoriously Sexually Harassed His Subordinates, Including Plaintiff

31. On or about June 26, 2024, Pesantez invited Plaintiff to get drinks after work.

32. Although Plaintiff politely attempted to refuse this invitation, Pesantez insisted that Plaintiff clock out early to accompany him.

33. Server Captains Ronni Menezes (“Menezes”) and Hasan Shaikh (“Shaikh”) witnessed Pesantez make Plaintiff clock out early to leave with him on June 26, 2024.

34. As Plaintiff suspected, Shaikh warned Plaintiff that going out with Pesantez was “not a good idea.”

35. Andy Ashmid (“Ashmid”), a former barback, saw Plaintiff gathering her things to go out with Pesantez and warned Plaintiff to “watch out because he gets crazy when he’s drunk.”

36. Nevertheless, Plaintiff felt compelled to join Pesantez because he was her supervisor.

37. Pesantez then took Plaintiff for drinks at San Sabino.
38. Immediately, Pesantez steered the conversation towards sexually inappropriate topics.
39. For instance, Pesantez repeatedly pried into Plaintiff's dating life, while telling Plaintiff that she, in sum and substance, "drive[s] all the boys at work crazy."
40. Pesantez also kept feeling up Plaintiff's leg throughout the conversation, despite Plaintiff moving her leg away each time Pesantez touched it.
41. Even though Plaintiff never finished her first drink, Pesantez continued to order himself and Plaintiff drinks.
42. Eventually, Pesantez told Plaintiff he knew about a comedy club they could check out since Plaintiff also works in comedy.
43. Although Plaintiff wanted to go home, she agreed to go to the comedy club since she had just started at Semma and wanted to build a rapport with Pesantez, her supervisor.
44. When they arrived, the comedy club was closed, but Pesantez then said, "I know another place."
45. At this point, Plaintiff noticed that Pesantez was very intoxicated.
46. Although Plaintiff did not want to stay out any later since Pesantez was intoxicated and kept touching her, she agreed to join Pesantez since he was her supervisor.
47. Plaintiff also assumed that by "another place" Pesantez meant another comedy club or a bar.
48. Instead, Pesantez took Plaintiff to Sapphire, a strip-club.
49. Plaintiff was shocked and scared that Pesantez had taken her, his female subordinate, to a strip club.
50. At the strip club, the inappropriateness of Pesantez's comments escalated.
51. This included Pesantez attempting to guess how many men Plaintiff had slept with.

52. Pesantez also told Plaintiff that he, in sum and substance, was “usually into Asians and not white women”, but he “liked” Plaintiff, who is a white woman.
53. Pesantez told Plaintiff that her short skirt would be better if she did not wear underwear underneath.
54. Moreover, as Pesantez ogled the performers, he told Plaintiff that she should “get up there with them” and that she “could make a lot more money stripping than hosting.”
55. Plaintiff was extremely uncomfortable with Pesantez’s numerous objectifying comments about her body.
56. When Plaintiff finally felt she could leave, she could not find her phone to call an Uber.
57. Plaintiff then asked Pesantez if he could get an Uber for her to leave, and he did.
58. The next day, Pesantez asked Plaintiff to go out for drinks again.
59. Plaintiff flatly refused this invitation given Pesantez’s prior debaucherous behavior.
60. Plaintiff subsequently reported the June 26, 2024 incident to Menezes, Shaikh and, Defendants’ General Manager at the time, Ganesh Vilas (“Vilas”).
61. At the time, Menezes, Shaikh and Vilas were all Plaintiff’s supervisors.
62. Menezes, Shaikh, and Vilas informed Plaintiff that Pesantez had engaged in similar conduct with the previous Maître D’, Gillian.
63. Specifically, these supervisors told Plaintiff that he had also taken Gillian out drinking, got extremely intoxicated, and then took Gillian to the strip club.
64. Vilas, Semma’s General Manager and Plaintiff’s supervisor, took no subsequent action against Pesantez after Plaintiff reported Pesantez’s inappropriate behavior.
65. After this incident with Gillian, Pesantez created a new “Reservationist” position for Gillian at Semma.

66. Gillian quit working at Semma approximately a month after Plaintiff was hired.
67. Anastasiia Tivari (“Tivari”) was the Maître D’ when Plaintiff worked as a host and witnessed many of Pesantez’s inappropriate comments and touches at the host stand.
68. Plaintiff also learned that Pesantez had also been inappropriate with Tivari.
69. Despite Plaintiff reporting Pesantez to these supervisors and these supervisors acknowledging that Pesantez had a pattern of sexually harassing his Maître D’s, Defendants took no action against Pesantez.
70. On or about July 15, 2024, while Plaintiff was in a vulnerable position – leaning over the bar to wipe it down – Pesantez crept up behind her and grabbed the back of Plaintiff’s neck.
71. Plaintiff reflexively grabbed Pesantez’s wrist and turned around to see who was grabbing her so aggressively from behind.
72. Pesantez then laughed at Plaintiff and joked that Plaintiff, in sum and substance, “knew kung fu” since she reacted so quickly to him inappropriately grabbing her.
73. In addition to inappropriately touching Plaintiff in the workplace, Pesantez would also sexually harass Plaintiff by text.
74. For instance, on July 30, 2024, Pesantez texted Plaintiff under the guise of asking how her shift went.
75. Pesantez used this opportunity to make additional passes at Plaintiff, stating, in sum and substance, “you give blonde vibes,” “You’re trouble,” and “Love to having [sic] the ‘boys’ going loco.”
76. These messages made Plaintiff very uncomfortable, particularly because, unlike avoiding Pesantez at work or refusing to go out drinking with him, she could not evade Pesantez’s inappropriate texts.

77. On or about August 26, 2024, Pesantez started an argument with Plaintiff about how many reservations had crabs preordered.
78. Plaintiff calmly insisted she had double-checked the number.
79. In response, Pesantez shouted to the entire restaurant that Plaintiff was having a “blonde moment” and that she “didn’t know how to count.”
80. Plaintiff was offended by these stereotypical comments about blonde women being unintelligent.
81. Among other Semma employees, Dannies Fernandes (“Fernandes”), a Semma Bartender, witnessed this argument and Pesantez’s offensive comment.
82. After Plaintiff explained her math, which demonstrated that she counted the reservations correctly, Pesantez realized he was wrong and ignored Plaintiff for the rest of her shift.
83. On or about November 7, 2024, Plaintiff was leaving work and walked by Serpentine, a cocktail bar located next door to Semma (“Serpentine”).
84. Pesantez was standing outside Serpentine and suddenly grabbed Plaintiff’s arm and dragged her into Serpentine.
85. Plaintiff immediately noticed that Pesantez was extremely intoxicated.
86. After dragging Plaintiff into Serpentine, Pesantez accused Plaintiff of, in sum and substance, “almost getting me fired.”
87. Pesantez then explained to Plaintiff that word had spread amongst the managers at Semma about him taking her to a strip club and even Defendants’ owners had heard about it.
88. In hopes Pesantez would allow Plaintiff to leave, Plaintiff insisted that she did not tell anyone.
89. Pesantez then attempted to trap Plaintiff in Serpentine, by demanding that she get away from the window so that none of her Semma coworkers leaving work would see them.

90. Frightened, Plaintiff moved over to the edge of the window but tried to stay in view of the sidewalk in hopes that a coworker might see her and help.
91. Ashmid and Chris Gil (“Gil”), a former Food Runner at Semma, walked by and made eye contact with Plaintiff.
92. From the bar, Plaintiff mouthed “help me” to them.
93. Given Plaintiff’s obvious distress, Ashmid and Gil followed Plaintiff into Serpentine and joined Plaintiff and Pesantez to ease the tension.
94. Because Ashmid and Chris intervened, Plaintiff was able to leave with Ashmid and Chris and get home safely.
95. At approximately 2:00 a.m. that night, Pesantez sent Plaintiff a text message stating, “Don’t fall asleep in the cab.”

Pesantez Retaliated Against Plaintiff for Reporting His Inappropriate Conduct

96. Beginning in or around January 2025, Plaintiff began asking Pesantez about becoming a Server since she had excelled at the other support positions at Semma and was interested in growth opportunities.
97. However, Pesantez was dismissive of Plaintiff whenever she raised the subject of promotion.
98. Given Plaintiff’s experience with Semma’s operations and menu over the past year, Plaintiff felt as though Pesantez’s reluctance to promote her was based on Plaintiff rebuking his sexual advances and reporting Pesantez’s behavior to other supervisors.
99. Because Pesantez refused to discuss a deserved promotion with Plaintiff, on or about January 18, 2025, Plaintiff wrote Pesantez a formal email requesting a promotion plan and copied Defendants’ Human Resources department (“HR”), which email stated:

Good evening Santo,

I want to ask again about whether it's possible for me to move up in Semma. I have been with this company almost a year and while I am grateful for a few days a week as maitre d, I would still like to discuss growing into a server role. I have brought it up several times and I have patiently watched servers come and go and now someone who was hired in the same role after me is getting promoted to busser. I am happy for her and think it is well deserved, I just think I also deserve a chance to grow and prove myself. I am consistent, reliable, and I work very hard- I quickly learned toast and resy, I place drink orders, I am familiar with the entire menu and frequently make recommendations for guests waiting at the front, I run drinks and bus tables and I am ready to move up. I even started making flash cards to memorize our wine list. I love this restaurant and I would love to progress in it.

100. After sending this email, Plaintiff was finally scheduled a couple of days as a Busser with the intention that she would move her way up to a Server role by learning each position in the restaurant.
101. However, Dan Ramos ("Ramos"), Semma's General Manager at the time, informed her multiple times throughout the ensuing months that Pesantez had no intention of promoting Plaintiff to Server, but never provided Ramos a reason for his refusal to elevate Plaintiff.
102. Given that Pesantez was not articulating a valid reason for not promoting Plaintiff to the General Manager, Plaintiff believed that Pesantez was refusing to promote her to retaliate against her for refusing Pesantez's sexual advances and reporting his inappropriate conduct to management.
103. Nevertheless, Ramos agreed to help Plaintiff prove to Pesantez that she was worthy of a Server role by allowing her to take the exam Ramos created for aspiring Servers.
104. On or about May 30, 2025, Plaintiff took the Server test.
105. After scoring the exams, Ramos informed Plaintiff that she received the best score out of all the test takers.

106. On or about June 2, 2025, Semma was understaffed because one of the Servers called out sick.
107. On June 2, 2025, Ramos directed Plaintiff to serve the entire outdoor section, which consisted of six tables.
108. Unlike other Servers, during this shift, Plaintiff had to serve and buss her section of tables.
109. After the shift, Plaintiff's Server Captains praised her efforts and told her she had done well serving her section.
110. On or about June 6, 2025, Semma was announced as the top restaurant on the New York Times' 100 Best Restaurants in New York City 2025 list.
111. To celebrate this achievement, Semma's owners held a team meeting later that day.
112. At this meeting, Pesantez told everyone that Plaintiff was going to be promoted to a Server position permanently.
113. Plaintiff was surprised that Pesantez said that, because Ramos had previously told Plaintiff that Pesantez was the one person who did not want to promote her.
114. On or about June 17, 2025, one of the Servers went home after the first round, so Plaintiff took over serving their section for the rest of the night.
115. The section included three "VIP tables," which are reserved for celebrities, notable chefs, royalty, and other important guests.
116. Despite performing Server duties on June 17, 2025, Plaintiff only received a portion of the tip pool as though she had worked as a Busser.
117. Ramos told Plaintiff that working as a Server but being paid as a Busser was training for her to become a Server.
118. On or around July 1, 2025, Plaintiff began working part-time as a Food Runner in addition to her Busser shifts.

119. The only reason Pesantez ever provided Plaintiff for not promoting her was that none of Semma's current Servers at the time would quit i.e. there were no vacant Server shifts for Plaintiff.
120. But, on or about July 30, 2025, Pesantez hired two servers from outside the company instead of promoting Plaintiff.
121. The external hiring of two Servers demonstrated that Pesantez would likely never promote Plaintiff.
122. On or about January 14, 2026, Pesantez hired another Server from outside the company.
123. That same day, Pesantez approached Plaintiff while she was working and taunted her stating, in sum and substance, "Didn't you want to be a Server?", as if he had forgotten.
124. Plaintiff told Pesantez, in sum and substance, "I have wanted to be a Server for over a year, but [Ramos] told me you didn't want to promote me."
125. In response, Pesantez disingenuously claimed, in sum and substance, "that's bullshit."
126. Plaintiff responded, in sum and substance, "that is what I was told, and you keep hiring outside Servers, so I believe it."
127. Plaintiff felt as though Pesantez only initiated this interaction to spite and humiliate Plaintiff since Ramos had flatly told Plaintiff that Pesantez did not want to promote her on multiple occasions.
128. To avoid further embarrassment, Plaintiff avoided Pesantez for the rest of the shift, even though Pesantez continued to attempt to approach her.

Plaintiff Complained About Sexual Harassment

129. On or about January 22, 2026, Plaintiff wrote a comprehensive written complaint documenting all of the harassment and discriminatory treatment she had experienced and sent it to HR, stating:

I am writing to express my concern about the inappropriate conduct of Santo, our operations manager.

6/26/2024

Santo invited me to get drinks after work and made me uncomfortable when he started touching my leg. I moved away from his hand and tried to change the subject whenever he said something inappropriate. He kept asking if I was dating anyone and told me I drive all the boys at work crazy. He told me he knew about a comedy club we could check out since I love comedy, and I agreed to go. The place was closed so he said "I know another place" and I really didn't want to stay out any later with him. I was uncomfortable with how drunk he was and how he kept touching me. He made inappropriate comments such as guessing how many men I had been with or telling me he was "usually into Asians and not white women" but he liked me. He told me my short skirt would be better if I didn't wear underwear underneath. Instead of another comedy club, he took me to a strip club called Sapphire. I was shocked and scared that he had taken me there. He sat and watched the girls and told me I should get up there with them and that I could make a lot more money stripping than hosting. I couldn't find my phone to call an Uber so I asked him if he could get an Uber for me to leave and he did. I was grateful it didn't get worse but it left me very shaken up. I told coworkers what happened and they said he did that with the girl who worked as a host before me. I never reported him because at the time I was brand new to the city and broke and I was scared he would fire me.

I turned down his offers to grab drinks again the next day and he eventually stopped asking and stopped coming to the restaurant much. One day, when I was leaning over the bar to clean it between guests, he walked up behind me and grabbed the back of my neck and I reflexively grabbed his wrist and turned around to look at who was grabbing me so aggressively and it was him. he made a joke about me knowing kung fu.

One day he started an argument with me about how many reservations had crabs preordered and I calmly insisted I had double checked the

number. He loudly announced to all the openers that I was having a "blonde moment" and that I didn't know how to count. I found this offensive and showed him each one I counted and he got quiet, because he realized he was wrong.

11/7/2024

I was leaving work and when I walked by Serpentine, Santo was standing out front and he grabbed my arm and pulled me into the bar. He was very drunk and said "you almost got me fired" and I told him I didn't know what he was talking about. He told me word had gone around about him taking me to a strip club and even the owners heard about it. I insisted that I didn't tell anyone because I felt very threatened. He told me to get away from the window in the bar so none of my coworkers leaving work would see us. I moved over to the edge of the window but stayed in view of the sidewalk. when a couple coworkers walked by they made eye contact with me and I mouthed "help me" and they came in to the bar and dissolved the tension and made sure I got home safely.

1/18/2025

I had kept asking Santo about becoming a server and he would be dismissive and never take me seriously, so I decided to write him a formal email and CC HR. After that I was finally scheduled a couple days as a busser, with the intention that I would move my way up to a server role by learning each position in the restaurant.

I worked hard and got a couple days as a food runner, learned the steps of service, and studied the menu. I took a server test Dan (our previous GM) made for me to prove myself. Dan told me that was the best chance to get Santo to approve me becoming a server. I studied hard and aced the test.

6/2/2025

There was one day we were understaffed and Dan had me jump in and serve the entire outdoor section- 6 tables. I was serving and bussing these tables, and it went well.

6/6/2025

When we were announced #1 on NYT's restaurant list, we had a team meeting with the owners present and Santo told everyone I was going to be a server. I was surprised he said that, because Dan told me Santo was the one person who didn't want to promote me.

6/17/2025

One of the servers went home after the first round and I took over his section for the rest of the night. 3 of the tables were VIP. I was only paid as a busser the few days I served but Dan said it was training for me to be a server.

Shortly after that two more servers were hired externally. That showed me that Santo was never going to let me move up no matter how capable I am. My training was for nothing.

Last week another server was hired externally and Santo came up to me while I was working and said "Didn't you want to be a server?" as if he had forgotten, despite the ongoing dangling the position in front of me just to pull it away.

I haven't reported this before now because I was worried about my job security and he has not interacted with me much this year, so I was trying to let it go. But it is impacting my growth in the restaurant and worse, it is happening to other women who work here. Every host he hires he sexually harasses and it needs to be stopped.

Thanks for your attention to this matter

130. On that same day, January 22, 2026, Tessa Tookes, Semma's current Maître D', also submitted a written report to HR documenting inappropriate behavior Pesantez subjected her to.
131. The same day, Nina Zhuo, Semma's Host, submitted a written report to HR documenting sexual harassment by Pesantez.
132. Thereafter, Plaintiff was informed that Pesantez was no longer with the company.
133. Nevertheless, on or about January 27, 2026, Plaintiff also discovered that Pesantez had a reservation at Semma on January 31, 2026, scheduled during Plaintiff's shift.

Plaintiff's Constructive Discharge

134. On or about June 4, 2026, Plaintiff submitted her resignation via email to UNAPOLOGETIC FOODS' Head of People & Culture Mandi Mason ("Mason") as Plaintiff could no longer tolerate working for Defendants. In her email, Plaintiff stated:
- "I can't continue at Semma after I feel my complaints of sexual harassment were not taken seriously. I can no longer ignore the intense stress I feel working in an environment where I am continuously disrespected by management and the owners."
135. In Mason's response, Mason blatantly mischaracterized Plaintiff's constructive discharge, saying that Plaintiff "elected to voluntarily resign [her] employment."
136. Mason then dismissed the harassment Plaintiff experienced and her concerns, denying that Plaintiff was "subjected to sexual harassment, a hostile work environment or any other inappropriate workplace conduct" during her employment.
137. As a result of Pesantez's sexual harassment and Defendants' failure to prevent and remedy the harassment, Plaintiff suffered and continues to suffer severe emotional distress, humiliation, and fear for her personal safety.
138. The harassment was severe and pervasive, altering the terms and conditions of Plaintiff's employment, creating an abusive working environment that was so intolerable a reasonable employee would have felt compelled to resign.
139. At all relevant times, Defendants knew or should have known of Pesantez's open and notorious harassment of Plaintiff and other female employees.
140. Defendants also should have known about Pesantez's retaliation against Plaintiff by refusing to promote her, because Pesantez could not explain to Semma's General Manager why Pesantez would not promote Plaintiff.

141. Defendants failed to take prompt and effective remedial action to prevent and correct the harassment.
142. Defendants are strictly liable for Pesantez's harassment as he was the Director of Operations and Operations Manager, thus acting with actual or apparent authority as Plaintiff's supervisor when he engaged in the harassing conduct.
143. Defendants' actions and conduct were intentional and intended to harm Plaintiff.
144. Defendants' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law.
145. As such, punitive damages are warranted against Defendants.

AS A FIRST CAUSE OF ACTION
SEXUAL HARASSMENT AND HOSTILE
WORK ENVIRONMENT UNDER TITLE VII

146. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint.
147. This claim is authorized and instituted pursuant to the provisions of Title VII for relief based upon Defendants' unlawful employment practices.
148. Title VII prohibits discrimination with respect to terms, conditions, or privileges of employment based upon sex.
149. Defendants engaged in unlawful employment practices by subjecting Plaintiff to sexual harassment and a hostile work environment on the basis of her sex/gender (female).

AS A SECOND CAUSE OF ACTION
RETALIATION UNDER TITLE VII

150. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint.

151. This claim is authorized and instituted pursuant to the provisions of Title VII for relief based upon Defendants' unlawful employment practices.
152. Title VII provides that it shall be an unlawful employment practice for an employer to discriminate against any employee because they have opposed any employment practice that is unlawful under Title VII.
153. Defendants engaged in unlawful employment practices prohibited by Title VII by retaliating against Plaintiff with respect to the terms, conditions, or privileges of employment and denying her promotion because of her opposition to Defendants' unlawful employment practices.

AS A THIRD CAUSE OF ACTION
SEXUAL HARASSMENT AND HOSTILE
WORK ENVIRONMENT UNDER THE NYSHRL

154. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint.
155. The New York State Executive Law § 296(1)(a) provides that:

“It shall be an unlawful discriminatory practice: For an employer ... because of an individual’s age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.”
156. Defendants engaged in unlawful employment practices in violation of the New York State Executive Law § 296(1)(a) by subjecting Plaintiff to sexual harassment and a hostile work environment on the basis of her sex/gender (female).

AS A FOURTH CAUSE OF ACTION
RETALIATION UNDER THE NYSHRL

157. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint.
158. The New York State Executive Law § 296 provides that, “7. It shall be an unlawful discriminatory practice for any person engaged in any activity to which this section applies to retaliate or discriminate against any person because he or she has filed a complaint, testified, or assisted in any proceeding under this article.”
159. Defendants engaged in unlawful discriminatory practices by retaliating against Plaintiff following her complaint of sexual harassment and discriminating against her with respect to the terms, conditions, or privileges of employment because of her opposition to Defendants’ unlawful employment practices.

AS A FIFTH CAUSE OF ACTION
SEXUAL HARASSMENT AND HOSTILE
WORK ENVIRONMENT UNDER THE NYCHRL

160. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint.
161. New York City Administrative Code § 8-107(1)(a) provides that:
- It shall be an unlawful discriminatory practice: (a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, uniformed service or alienage or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment.
162. Defendants engaged in unlawful discriminatory practices in violation of New York City Administrative Code § 8-107(1)(a) by subjecting Plaintiff to sexual harassment and a hostile work environment on the basis of her sex/gender (female).

163. The NYCHRL is to be construed liberally for the accomplishment of the uniquely broad and remedial purposes thereof, and provides the broadest protections against sexual harassment and discrimination available by law.

AS A SIXTH CAUSE OF ACTION
RETALIATION UNDER THE NYCHRL

164. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint.
165. New York City Administrative Code § 8-107(7) provides that it shall be an unlawful discriminatory practice:

For an employer, labor organization or employment agency or an employee or agent thereof to discharge, expel or otherwise discriminate against any person because such person has opposed any practices forbidden under this chapter or because such person has filed a complaint, testified or assisted in any proceeding under this chapter.

166. Defendants engaged in unlawful discriminatory practices in violation of New York City Administrative Code § 8-107(7) by retaliating against Plaintiff following her complaints of sexual harassment and denying her promotion because of her opposition to Defendants' unlawful employment practices.

JURY DEMAND

167. Plaintiff demands a trial by jury on all issues to be tried.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendants:

- A. Declaring that Defendants engaged in unlawful employment practices prohibited by Title VII, the NYSHRL, and the NYCHRL in that Defendants discriminated against Plaintiff and subjected her to sexual harassment and a hostile work environment on the basis of her sex/gender (female), and retaliated against Plaintiff for opposing discrimination and

engaging in protected activities;

- B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendants' unlawful discrimination and to otherwise make her whole for any losses suffered as a result of such unlawful employment practices in an amount to be proven at trial;
- C. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, distress, pain and suffering, humiliation, embarrassment, and injury to her reputation in an amount to be proven at trial;
- D. Awarding Plaintiff punitive damages in an amount to be proven at trial;
- E. Awarding Plaintiff reasonable attorneys' fees, costs, and expenses incurred in the prosecution of this action pursuant to 42 U.S.C. § 2000e-5(k), N.Y. Exec. Law § 297(10), and N.Y.C. Admin. Code § 8-502(f);
- F. Awarding Plaintiff pre-judgment and post-judgment interest as allowed by law; and
- G. Awarding such other legal and equitable relief as this Court deems necessary, just, and proper.

Dated: New York, New York
July 27, 2026

**PHILLIPS & ASSOCIATES,
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