

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

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TESSA TOOKES,

Case No.:

Plaintiff,

COMPLAINT

-against-

UNAPOLOGETIC FOODS LLC & TAPESTRY
MANAGEMENT LLC,

**PLAINTIFF DEMANDS
A TRIAL BY JURY**

Defendants.

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Plaintiff TESSA TOOKES (“Plaintiff”), by her attorneys, PHILLIPS & ASSOCIATES, PLLC, hereby complains of the Defendants, upon information and belief, as follows:

NATURE OF THE ACTION

1. This lawsuit concerns a restaurant group that permitted its Director of Operations, Santo Pesantez (“Pesantez”), to use his authority over female subordinates to sexually harass them. Starting with Plaintiff’s job interview for a Host position at Semma, Defendants’ (later defined) award-winning South Indian restaurant, Pesantez turned the interview into an hours-long dinner where he steered the conversation toward encouraging her to make pornography, couples “swinging”, and praising disgraced celebrity chef Mario Batali for “sleeping with all of his hosts.” Pesantez concluded the night by kissing Plaintiff without her consent.
2. Once Plaintiff began working full time at Semma, Plaintiff learned that her experience was not unusual as Pesantez had a pattern of preying on female subordinates and guests. Indeed, Pesantez constantly made sexually and racially inappropriate comments in the workplace, subjected his female subordinates to unwanted touching, and used Defendants’ reservation and security systems to snoop on guests he found attractive, including actress Kate Hudson.

3. On January 22, 2026, Plaintiff reported Pesantez's conduct to Defendants' Head of People & Culture, complaining that his behavior created a hostile work environment. Although Defendants told Plaintiff her concerns would be handled with priority and discretion, Defendants ultimately refused to take responsibility for Pesantez's open and notorious sexual harassment of female subordinates and failed to inform Plaintiff of Defendants' plans to prevent Pesantez from further harassing Plaintiff in response to her complaint. Fearful for her continued safety, Plaintiff felt she had no choice but to resign her position with Defendants.
4. 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, New York State Executive Law §§ 296 et seq. ("NYSHRL"), and the New York City Human Rights Law, New York City Administrative 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, discriminated against, and subjected to a hostile work environment on the basis of her sex/gender (female).

JURISDICTION, VENUE, AND PROCEDURAL PREREQUISITES

5. Jurisdiction of this Court is proper under 28 U.S.C. §§ 1331 and 1343 as this action arises under Title VII.
6. The Court has supplemental jurisdiction over the claims that Plaintiff has brought under State law pursuant to 28 U.S.C. § 1367.
7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) as Defendants reside within the Southern District, or the acts complained of occurred therein.
8. 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

9. Plaintiff is a female resident of the State of New York, County of New York.
10. 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.
11. Upon information and belief, UNAPOLOGETIC FOODS has its principal place of business at 140 West 32nd Street, New York, New York 10001.
12. 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”).
13. 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.
14. 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.
15. Upon information and belief, TAPESTRY has its principal place of business at 1512 Benson Street, 3rd Floor, Bronx, New York 10461.
16. TAPESTRY processed payroll and maintained employment records for employees working at Defendants’ restaurant locations, including Semma.
17. Upon information and belief, TAPESTRY employed fifteen (15) or more employees at all

relevant times, satisfying the statutory threshold for coverage under Title VII.

18. Defendants TAPESTRY and UNAPOLOGETIC FOODS are referred to collectively as “Defendants”.
19. 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.
20. At all relevant times herein from approximately October 11, 2025, through February 13, 2026, Plaintiff was an employee of Defendants, working as a Lead Host at Semma.

MATERIAL FACTS

Plaintiff’s Employment Background

21. On or about October 11, 2025, Plaintiff commenced her employment with Defendants as a Lead Host at Semma, earning \$18 per hour plus tips.
22. Plaintiff worked approximately 30 hours per week in the front-of-house service operations at Semma.
23. Throughout her employment, Plaintiff reported directly to Pesantez.
24. As Director of Operations and Operations Manager, Pesantez was Plaintiff’s supervisor and had supervisory authority over Plaintiff, including the ability to hire, fire, discipline, control work schedules, determine raises and compensation, and otherwise affect the terms and conditions of her employment.
25. At the relevant time, Pesantez was the only acting manager at Semma.

Pesantez Sexually Harassed Plaintiff

26. On or about October 8, 2025, Pesantez interviewed Plaintiff at Dhamaka, another restaurant owned and operated by Defendants. The interview lasted approximately six minutes.

27. After the interview, Pesantez invited Plaintiff to observe service at Semma the following evening at 4:30 PM.
28. On or about October 9, 2025, Pesantez changed the observation time from 4:30 PM to 7:00 PM. Pesantez also offered to meet Plaintiff in the Lower East Side and take the subway together to Semma at that time. Plaintiff declined.
29. That evening, Plaintiff arrived at Semma for her observation shift at 7:00 PM.
30. After less than 30 minutes of observation, Pesantez insisted that they go outside together to talk, then suggested that he and Plaintiff have dinner together.
31. Despite Plaintiff's hesitation and insistence that she was not hungry, Pesantez persisted and took Plaintiff to Nuyores restaurant, approximately two blocks away from Semma.
32. Staff at Nuyores appeared to know Pesantez and were expecting his arrival, suggesting the dinner was planned in advance.
33. Upon being seated, Pesantez asked for Plaintiff's wine preference, ordered a bottle of wine, encouraged Plaintiff to order a cocktail, and repeatedly suggested that Plaintiff order anything she wanted from the menu.
34. During the dinner, which lasted from approximately 7:30 PM until just before 10:00 PM, Pesantez directed the conversation with Plaintiff to numerous sexually inappropriate topics.
35. Specifically, Pesantez began discussing the difference between fashion modeling and creating pornography for OnlyFans and how fashion models end up creating pornography to post on OnlyFans.
36. Pesantez even went so far as asking whether Plaintiff would ever consider creating and posting pornography of herself on OnlyFans.
37. Pesantez also made inappropriate comments about Plaintiff's appearance, comparing her to

another woman he knew who was a “beautiful, tall, Black model.”

38. Pesantez expressed shock at Plaintiff’s age and repeatedly commented on how young she appeared. He stated he was surprised that Plaintiff was married.
39. Pesantez also directed the conversation to married couples “swinging,” which made Plaintiff uncomfortable as he was seemingly inquiring as to whether Plaintiff and her husband would consider sexual relationships outside their marriage.
40. Pesantez also made racially charged comments about “‘Indian’ people time vs. ‘colored’ people time,” stating that Black people run later than Indian people.
41. Pesantez also brought up Mario Batali, a celebrity chef who was accused of sexual assault by numerous former colleagues.
42. Pesantez proceeded to praise Batali for “sleeping with all of his hosts,” while conveniently ignoring the criminal nature of Batali’s conduct.
43. Throughout the conversation, Pesantez repeatedly encouraged Plaintiff to drink more wine.
44. Plaintiff attempted to maintain professionalism throughout the evening, drank minimally despite repeated encouragement, and kept the interaction businesslike.
45. Pesantez also mentioned that due to the nature of his position, he was not regularly physically working at Semma.
46. At the conclusion of the dinner, Pesantez offered the job to Plaintiff and she accepted the position.
47. After dinner, Pesantez walked Plaintiff out, asked for her home address, and called her a taxi on the Uber phone application (“Uber”).
48. Before Plaintiff got into the Uber, Pesantez kissed Plaintiff on the cheek without her consent.

49. Once Plaintiff was in the Uber, alone, Plaintiff called her mother to express how uncomfortable Pesantez had made her feel.
50. During that phone call, Plaintiff noticed that the Uber was driving in the opposite direction of her home and toward the Upper East Side, where Pesantez resides.
51. Plaintiff then received messages and a phone call from Pesantez. When Plaintiff answered, Pesantez laughed and claimed he had accidentally added a stop to his neighborhood on the way to Plaintiff's residence.
52. Plaintiff felt extremely uncomfortable because Pesantez adding a stop to his neighborhood on the way to Plaintiff's residence (as opposed to accidentally calling the Uber to his neighborhood instead of Plaintiff's address) indicated that Pesantez had called the Uber with the intention of riding with Plaintiff without her consent.
53. Following the October 9, 2025 incident, Pesantez continued to subject Plaintiff to a hostile work environment through his ongoing sexual harassment and discriminatory conduct.
54. Pesantez regularly made comments about Plaintiff's appearance and wardrobe.
55. In early November 2025, Pesantez complimented Plaintiff's dress and encouraged her to wear similar clothing more often.
56. Pesantez routinely touched Plaintiff and other female employees inappropriately, including touching their shoulders, hair, and lower backs.
57. Pesantez also made sexually inappropriate comments to Plaintiff about female guests at the restaurant, stating on one occasion, in sum and substance, "look at the dress the girl at [table] is wearing," referring to a guest's low-cut, form-fitting dress.
58. Pesantez suggested to Plaintiff that the host staff wear clothing similar to the revealing dress worn by the female guest.

59. Further, Pesantez would ask Plaintiff about female colleagues' and guests' ages, which Plaintiff interpreted as questions about whether certain women were of legal age.
60. For instance, Pesantez repeatedly asked Plaintiff how young she thought her co-workers Nina Zhou, Nadia (Last Name Unknown), and Daniela (Last Name Unknown), appeared, noting that they looked like teenagers.
61. Similarly, Pesantez repeatedly asked Plaintiff how young she thought certain female guests appeared.
62. Moreover, Pesantez would make sexually inappropriate generalizations based on race.
63. On several occasions, Pesantez asked Plaintiff if she knew what "yellow fever" meant and explained that there are nicknames for people who have racial fetishes. Plaintiff understood this to be a discriminatory slur about Asian people.
64. Without Plaintiff asking, Pesantez also claimed that he did not have any racial fetishes and did not attend certain events because he did not want to be considered "part of that group."
65. These comments were made in front of Plaintiff's Asian colleagues.
66. On one occasion, Pesantez commented about a table of young Black and Latina women, stating to Plaintiff that he thought they looked, in sum and substance, "like trouble."
67. Pesantez controlled Plaintiff's work schedule and offered her benefits contingent on her compliance with his demands.
68. By way of example, Pesantez granted Plaintiff a raise to \$20/hour and gifted her a bottle of wine.
69. Pesantez's conduct was unwelcome and created a hostile, intimidating, and offensive work environment.
70. Plaintiff's co-workers also experienced similar harassment from Pesantez, including

inappropriate comments about their outfits, bodies, invasive questions about their relationships, and physical boundary violations.

71. Upon information and belief, Pesantez had a pattern of taking female employees out to dinner and subjecting them to similar inappropriate conduct.

Plaintiff Complained About Sexual Harassment

72. On or about January 22, 2026, Plaintiff submitted a formal written complaint to Mandi Mason (“Mason”), Defendants’ Head of People & Culture, by email, detailing Pesantez’s sexual harassment and discriminatory conduct, stating:

I’m writing to formally report ongoing concerns regarding the conduct of our Director of Operations/Ops Manager, Santo Pesantez.

I’d like to first specifically document an incident that occurred on the October 10th, 2025 — the evening I was scheduled to observe service in connection with my Lead Host role.

After approximately 15 minutes of observation, Santo insisted that we go outside together to talk. On our walk which I imagined would end at the 14th St 1 train, he insisted we grab “a bite” nearby, despite my clearly expressed hesitation. I stated that I was not hungry and that I felt uncomfortable with the insistence that we dine together. Nevertheless, he proceeded to take me to Nuyores, a restaurant approx two blocks away, where staff appeared to know him and were expecting his arrival. This felt planned considering a very short observation shift and 5-minute interview the day prior, which enhanced my unease.

Upon being seated, Santo asked for my wine preference, ordered a bottle, encouraged me to order a cocktail, and repeatedly suggested that I order anything I wanted from the menu. I found the gesture to be a little grand for an hourly host job.

During the meal, the conversation included the following topics: my marriage (including commentary on how young I appeared to be married, prior to him learning my age); his own marriage; his experience working closely with Mario Batali and discussions of Batali’s treatment of hosts without mentioning the criminal nature of Batali’s behavior; my modeling career; comments about my

appearance (specifically compared to another woman who favored my appearance “beautiful, tall, Black model”); explicit and incriminating gossip within the hospitality industry and Semma specifically; discussions about swinging; and several questions that I found invasive and sexual in nature — particularly his fascination with OnlyFans models and how a fashion model like myself could “get into” that line of work and what the difference between the two was. Throughout this conversation, Santo repeatedly referenced the prospect of what he described as the “highest paying hosting job in NYC” and how I’d love it there.

The dinner felt intimate in nature and crossed professional boundaries — like a first date I didn’t intend on going on or want to be on. At the time, I attempted to contextualize the situation by believing that Santo and I would not be working closely together, as Semma was seeking a General Manager and I expected limited interaction with him. This later proved to be incorrect.

Having worked as an HR Generalist in-house and as a consultant for several companies over the last 5 years (Hinge, Task Rabbit, Vayner Media), I acknowledged the breach of morality conduct and maintained professionalism throughout the evening. I did not challenge him directly in the moment, drank minimally despite repeated encouragement to drink and eat more, and attempted to keep the interaction neutral. At the conclusion of the dinner, Santo asked whether I would formally accept the job offer, despite no compensation or role specifics being discussed. We shook hands, further establishing the dinner as a business-related meeting. What ultimately crossed a clear and unacceptable line occurred at the end of the evening. Santo walked me to a busy intersection, asked for my home address, and called me an Uber. Before requesting the ride, he confirmed my address verbally and I visually confirmed that it was entered correctly. He then kissed me on the cheek (this startled me), opened the car door, and stated, “HR email will be sent tomorrow,” before I left.

Immediately after getting into the Uber, I called my mother to express how uncomfortable the evening had made me feel. During that phone call, I noticed that the Uber was driving in the opposite direction of my home and toward the Upper East Side, which I remember is where Santo resides. I panicked and checked my phone to see messages from Santo; I also had a missed call from him. I did not answer. He then called me again, I picked up for [sic] because my safety was in his hands, he immediately laughed and claimed that he did not know how the Uber drop-off had changed and that he was going to correct it. I attempted to laugh it off, but asked the

driver to confirm that he would take me to the original address. In that moment, I feared for my personal safety.

Since the incident, I trusted Santo's behavior would turn a corner after I set a clear boundary. I write today because he continues to blur the lines between what's appropriate to discuss with employees vs. what is absolutely not by the standards of our handbook and NY Sexual Harassment laws that are designed to protect employees — specifically how he casually touches female employees' shoulders, hair, lower backs, and regularly comments on wardrobe (ex: taunting my co-worker who decided to work), sexually charged comments about guests (ex: "look at the dress the girl at X table is wearing), racial dating preferences (referencing "yellow fever" to me on several occasions in front of my Asian colleagues & asking me while working along [sic] on several occasions if I knew what the term meant and explaining to me he doesn't fall "within that category"), showing me intimate photos of his wife sleeping, commenting on physical appearance (ex: weight loss of my colleague or how good she looks), and almost hyper-fixating on how young my two co-hosts looks [sic] by repeatedly asking me how old I think they are/etc. I'm naming a few special experiences, but would be happy to recall others if needed.

Santo has continued to create unsafe working conditions through his comments and inability to keep his hands to himself. Within one month of working at Semma, I realized my experience with Santo and his behavior on the night of October 10th is unfortunately not uncommon. I will not speak on behalf of others, but there are several. I'm one of many women he's taken out — many of whom had even more unfortunate interactions. I trust they find courage to write to you as well.

Because of the systemic nature of Santo's behavior and growing concern for my own wellbeing and ability to do my job, I'm submitting this account as a formal report of inappropriate conduct. Despite UA not requiring the NY-mandated Sexual Harassment [training], I trust UA will take my report of [sic] seriously.

Thank you for your attention to this matter.

73. Mason responded to Plaintiff's complaint on January 22, 2026, stating that the concerns would be "investigated with the highest priority and discretion."

74. Mason requested a meeting with Plaintiff at Defendants' corporate office and assured Plaintiff that her concerns had not been and would not be shared with Pesantez.
75. Later that day, Defendants announced that Pesantez was no longer with the company.
76. Upon information and belief, Pesantez was permitted to resign rather than being terminated to avoid impact on his future employment.
77. Despite Mason's assurances of discretion, Pesantez blocked Plaintiff on WhatsApp, suggesting he became aware of Plaintiff's complaint.
78. On or about January 26, 2026, Plaintiff discovered that Pesantez remained a member of the work WhatsApp group chat where employee schedules were being shared, giving him access to Plaintiff's work schedule and location.
79. That same day, Plaintiff complained by email again to Mason, stating:

Thank you so much for getting back to me! I hope you're staying safe and warm amidst yesterday's storm. Emailing because Semma is still using the old group chat in WhatsApp that Santo made and is still a member of — despite him no longer being at the company. It appears he has also blocked me on WhatsApp, which suggests he is aware of my report despite the promise of discretion. I've attached screenshots of the group chat for your viewing.

People are sharing schedules in that group so he knows where I will be over the next week.

I'm fearful of my safety, and wanted to flag ASAP.

80. 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.
81. Later that day, Plaintiff emailed Mason to complain about Pesantez being allowed to make reservations and/or return to the restaurant.
82. No longer able to tolerate the unsafe and hostile work environment, Plaintiff emailed her resignation on or about February 13, 2026, citing her "recent reports about sexual harassment

and the circumstances that followed them” and feeling “concerned for [Plaintiff’s] safety and a growing sense of unease at the restaurant.”

83. 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.

84. The harassment was severe and pervasive, altering the terms and conditions of Plaintiff’s employment and creating an abusive working environment.

85. At all relevant times, Defendants knew or should have known of Pesantez’s open and notorious harassment of Plaintiff and other female employees.

86. Defendants failed to take prompt and effective remedial action to prevent and correct the harassment.

87. 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.

88. Defendants’ actions and conduct were intentional and intended to harm Plaintiff.

89. Defendants’ conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law.

90. As such, punitive damages are warranted against Defendants.

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

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

92. This claim is authorized and instituted pursuant to the provisions of Title VII for relief based upon Defendants' unlawful employment practices.
93. Plaintiff complains of Defendants' violation of Title VII's prohibition against discrimination in employment based, in whole or in part, upon an employee's sex/gender (female).
94. Defendants engaged in unlawful employment practices by subjecting Plaintiff to sexual harassment and a hostile work environment based on her sex and gender.

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

95. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint.
96. 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.”

97. Defendants engaged in unlawful employment practices in violation of the New York State Executive Law § 296(1)(a) by discriminating against Plaintiff and subjecting her to sexual harassment and a hostile work environment based on her sex and gender.

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

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

99. 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.

100. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code § 8-107(1)(a) by discriminating against Plaintiff and subjecting her to sexual harassment and a hostile work environment because of her gender.

JURY DEMAND

101. Plaintiff demands a trial by jury on all issues so triable.

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);
- 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;
- 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,
ATTORNEYS AT LAW, PLLC**

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