

SEXUAL HARASSMENT CASE 'WEIGHS' HEAVILY ON NEW YORK RESTAURANT



The Appellate Division of the New York Supreme Court gave two waitresses, their long-awaited opening for justice, by affirming that the case that they had filed merited going to trial. Kristen McRedmond and Alexandria Lipton, who were then waitresses at Sutton Place Restaurant and Bar in New York City, have sued their former employers for sexual harassment and sexual discrimination, battery and a hostile work environment. Both the women had worked at the bar from August 2004, until their termination in July 2006. McRedmond, now a teacher, had alleged that, a certain Neil Hanafy, working as a manager for the night shifts passed obscene sexual remarks and touch her inappropriately, during work. She said, that Hanafy constantly inquired, what her weight was. According to attorney, Rosemarie Arnold, at on point, Hanafy physically lifted her and plunked her on the weighing scale to resolve a poll among male colleagues about her weight. Arnold further added, "This is an egregious case where disgusting men felt they could treat women in a demeaning manner, and it's clear that every judge on the [New York] Supreme Court ... and now the appellate decision affirms that's not behavior that's tolerated in the workplace." The charges against the restaurant are multiple and serious, along with sexual harassment, sexual discrimination, battery and a hostile work environment, both the aggrieved women are also accusing the employees of retaliatory termination and unlawful imprisonment. According to the complaint, the women have demanded \$15 million in punitive damages. McRedmond said "she was unlawfully imprisoned by Sutton Place when she was held in the manager's office after Hanafy attempted to weigh her," according to the court filing. She said that when she rebuffed their orders to get on the weighing machine, "Hanafy attempted to pick her up and put her on the scale. Allegedly, after McRedmond broke free from his grasp, she was told that she could not leave the office until she got weighed. McRedmond did leave the office within 10 minutes, although she claims to have been hysterically crying and disoriented." Lipton, currently an attorney, says other waitresses were witness to Hanafy asking her about her weight. Moreover, he entered what he presumed her weight was on a note pad. This is something that Hanafy has been constantly denying. Lipton further claimed that he gave instructions to her and other waitresses on how to lose weight. Moreover, Lipton and McRedmond were not the only women to be weighed; he weighed other waitresses as well. According to court documents, Lipton has alleged that Lipton touched her against her wishes by giving her massages and "pulling her close to him while she tried to escape his grasp." Hanafy has refuted all charges and the restaurant maintains that both, McRedmond and Lipton, were sacked from their jobs, for justifiable and legally permissible reasons. Hanafy contradicted all the allegations and said that there was no improper touching or crude remarks. The restaurant claimed that, "since he never propositioned Lipton for sex or grabbed her buttocks or chest." Joshua Mallin, attorney for the restaurant, said the former waitresses' allegations have been "vigorously denied by my clients." "Ultimately what this appellate court decided was there were too many issues of fact," he said. "A jury will have to decide whether any of their claims are valid or whether, as the defendants contend, they completely have no basis in fact." Lipton also said Hanafy told her she wasn't permitted to eat during her shift, which sometimes extended to 10 hours. Lipton also said Hanafy asked her and another waitress to give their observations about particular sexual scenes in pornographic movies. She also said he would "routinely" pass insensitive remarks about the bar's female customers uttering things like "She's a stupid [expletive], she's ugly, she's fat, she's disgusting, get her the [expletive] out of here," according to court records. According to a court filing, the restaurant disputes, "the alleged comments made by Hanafy and claimed that any statements made constituted appropriate reprimands concerning McRedmond's habitual violations of Sutton Place's employment policies, and were merely to inform her of these infractions." The restaurant claims that McRedmond would send text messages during working hours, she would be talking on her phone, also during working hours and ate without seeking permission, during her shift. Hanafy claims that he had shared "friendly relationship," with both of them. In fact McRedmond would "often joke around with me about my weight, grab my stomach in connection therewith and also joke about my accent." Regarding the weighing incident, the restaurant says that it was light hearted banter, that was the outcome of two employees, both weighing more than 400 pounds, trying to lose weight and bringing in a weighing scale into the workplace. Mallin said that the company had maintained disciplinary records for both McRedmond and Lipton with "different delinquencies that they had. Any suggestion that these documents were somehow manufactured or created after the fact because the employees didn't know about them is pure speculation and not supported by any fact. It's a naked allegation," he said. "Anybody can make an accusation," Mallin said. "The appellate decision decided the jury is going to have to decide."