

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT

C. A. NO. _____

CYNTHIA MARTIN, BRANDY SANDS,
REBECCA NEAL, BOBBI LAWTON, and
ALICIA CURRIE, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

ARAMARK CORPORATION,

Defendant.

JURY DEMANDED

RECEIVED

8/10/2022 HG

CLASS ACTION COMPLAINT

1. This case is brought on behalf of individuals who worked as bartenders employed by Defendant Aramark Corporation (“Aramark”) (either directly or through a third-party staffing company) at the U.S Golf Association (“USGA”) United States Open Championship (“U.S. Open”) at The Country Club in Brookline, Massachusetts, from June 13 to 19, 2022.

2. As described further below, these bartender employees were responsible for serving at numerous bar locations across the golf course. Customers who were attending the tournament collectively left tens of thousands of dollars in gratuities, if not more.

3. Aramark has not, however, remitted all of these gratuities to the bartenders who worked at the event. Instead, these gratuities were retained by

management and/or distributed to employees who are not lawfully permitted to participate in a tip pool.

4. Aramark's actions in failing to remit all gratuities to service employees is a violation of the Massachusetts Tips Law, M.G.L. c. 149 § 152A.

PARTIES

5. Plaintiff Cynthia Martin is an adult resident of Barre, Massachusetts. She worked as a bartender at the Members Club bar location at the U.S. Open.

6. Plaintiff Brandy Sands is an adult resident of Clermont, Florida. She worked as a bartender at the Fairway 3 bar location at the U.S. Open.

7. Plaintiff Rebecca Neal is an adult resident of Jacksonville, Florida. She worked as a bartender at the Fairway 3 bar location at the U.S. Open.

8. Plaintiff Bobbi Lawton is an adult resident of Marietta, Georgia. She worked as a bartender at the 18G bar location at the U.S. Open.

9. Plaintiff Alicia Currie is an adult resident of Taunton, Massachusetts. She worked as a bartender at the Trophy Club bar location at the U.S. Open.

10. Defendant Aramark Corporation is a Delaware corporation with its principal place of business in Philadelphia, Pennsylvania.

STATEMENT OF FACTS

11. Aramark is a food services provider to customers such as sports and entertainment venues, universities, convention centers, and hospitals around the world.

12. Aramark provided food and beverage service to patrons at the U.S. Open.

13. Aramark hired approximately 75-100 bartenders to provide service.

Approximately 15-20 of these bartenders were hired by Aramark directly. The

remaining bartenders were hired by a third-party staffing company with which Aramark contracted to provide additional bartenders.

14. Aramark managed all aspects of the event and directed the duties of bartenders who were employed directly by Aramark and those who were employed by the staffing company.

15. Aramark set up approximately 12-14 concession locations across the golf course. Approximately 75-90 bartenders worked at these locations.

16. The bar locations along the golf course were very popular, and customers left tens of thousands of dollars, if not more, in total tips.

17. Upon the conclusion of the tournament, Aramark did not pay the bartenders the full amount of their tips.

CLASS ALLEGATIONS

18. The Court should certify this case as a class action on behalf of all Aramark bartenders who worked at the U.S. Open in June 2022 under Mass. R. Civ. P. 23 and/or Mass. Gen. L. c. 149 § 150.

19. The class is so numerous that joinder of all members is impracticable. Plaintiffs estimate that there are between 75-100 bartenders who worked at the U.S. Open.

20. There are questions of law and fact common to the class, including whether Aramark has unlawfully failed to remit tips to the bartenders.

21. The named Plaintiffs' claims are typical of those of the class members. Plaintiffs' claims encompass the challenged practices and course of conduct of Aramark. Furthermore, Plaintiffs' legal claims are based on the same legal theories as

the claims of the class members. The legal issues as to which laws are violated by such conduct apply equally to Plaintiffs and to the class.

22. The named Plaintiffs will fairly and adequately protect the interests of the class. The named Plaintiffs claims are not antagonistic to those of the class and they have hired counsel skilled in the prosecution of class actions.

23. Common questions of law and fact predominate over questions affecting only individuals, and a class action is superior to other available methods for the fair and efficient adjudication of this controversy. This proposed class action presents few management difficulties, conserves the resources of the parties and the court system, protects the rights of each class member and maximizes recovery to them.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

24. Pursuant to the state law requirements as set forth in Massachusetts General Law Chapter 149 § 150, the above-named plaintiffs have submitted their statutory claims with the Office of the Attorney General.

COUNT I Tips Law MASSACHUSETTS GENERAL LAW CHAPTER 149 § 152A

As set forth above, Defendant Aramark has violated the Tips Law by failing to remit all customer gratuities to waitstaff. This claim is asserted pursuant to Mass. Gen. L. c. 149 § 150.

JURY DEMAND

Plaintiffs request a trial by jury on all their claims.

WHEREFORE, Plaintiffs request that this Court enter the following relief:

1. Certification of this case as a class action pursuant to Mass. R. Civ. P. 23 and/or Mass. Gen. L. c. 149 § 150;
2. Restitution for all gratuities due to the Plaintiffs and other class members that they have not received;
3. Statutory trebling of damages;
4. Attorneys' fees and costs
5. Prejudgment interest; and,
6. Any other relief to which Plaintiffs and the class may be entitled.

Dated: August 10, 2022

Respectfully submitted,

CYNTHIA MARTIN, BRANDY SANDS,
REBECCA NEAL, BOBBI LAWTON, and
ALICIA CURRIE, on behalf of themselves and
all others similarly situated,

By their attorneys,

/s/Shannon Liss-Riordan
Shannon Liss-Riordan, BBO # 640716
Michelle Cassorla, BBO # 688429
Lichten & Liss-Riordan, P.C.
729 Boylston Street, Suite 2000
Boston, MA 02116
617-994-5800
sliss@llrlaw.com
mcassorla@llrlaw.com