

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

REGINALD WILLIAMS, and
CRYSTAL WILLIAMS, his wife

Plaintiffs,

vs.

MORTON'S OF CHICAGO/BOCA
RATON, LLC, a foreign limited liability
company, and TODD SHEPARD, LARRY
THOMAS, EDMUND BLEUS,
ROBINSON BUR-MARIE, "WISMICK
DOE" AND "GERARD DOE", individually,

Defendants.

CIVIL DIVISION
90 2011CA015188XXX MB
CASE NO.

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CIRCUIT CIVIL DIVISION

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

COME NOW the Plaintiffs, Reginald Williams and Crystal Williams, his wife, by and through undersigned counsel, sues Defendants, Morton's of Chicago/Boca Raton, LLC, Todd Shepard, Larry Thomas, Edmund Bleus, Robinson Bur-Marie, Wismick Doe and Gerard Doe and state:

I. JURISDICTIONAL ALLEGATIONS

1. This is an action for damages in excess of fifteen thousand dollars (\$15,000.00), exclusive of interest, costs and attorney fees.

2. At all times material hereto, Plaintiff REGINALD WILLIAMS was *sui juris* and was and is a resident of Broward County, Florida.

3. At all times material hereto, Plaintiff CRYSTAL WILLIAMS was *sui juris*, lawfully wedded to REGINALD WILLIAMS ("Reggie") and was and is a resident of Broward County, Florida.

4. Defendant MORTON'S OF CHICAGO/BOCA BATON, LLC ("Morton's") is a foreign limited liability company authorized to, and which does conduct business in, Florida, including Broward, Miami-Dade, and Palm Beach County, Florida.

5. Defendant, TODD SHEPARD ("Shepard"), is a resident of the state of Florida, and, upon information and belief, resides in Palm Beach County, Florida.

6. Defendant, LARRY THOMAS, ("Thomas") is a resident of the state of Florida, and, upon information and belief, resides in Palm Beach County, Florida.

7. Defendant, EDMUND BLEUS ("Edmund"), is a resident of the state of Florida, and, upon information and belief, may be found regularly in Palm Beach County, Florida, and the acts complained of were committed in Palm Beach County, Florida.

8. Defendant, ROBINSON BUR-MARIE ("Robinson"), is a resident of the state of Florida, and, upon information and belief may be found regularly in Palm Beach County, Florida, and the acts complained of were committed in Palm Beach County, Florida.

9. Defendant, "WISMICK DOE" ("Wismick"), whose full name is known to Defendants but not to the Plaintiffs, is a resident of the state of Florida, and, upon information and belief, may be found regularly in Palm Beach County, Florida, and the acts complained of were committed in Palm Beach County, Florida.

10. Defendant, "GERARD DOE" ("Gerard"), whose full name is known to Defendants, but not to the Plaintiffs, is a resident of the state of Florida, and, upon information and belief, may be found regularly in Palm Beach County, Florida, and the acts complained of were committed in Palm Beach County, Florida.

II. GENERAL ALLEGATIONS

11. At all times relevant, Defendant, Morton's of Chicago/Boca Raton, LLC ("Morton's") was and is a restaurant which operates several units in Florida. It markets these units as purportedly upscale, with alleged high standards of hygiene and cleanliness.

12. At all times relevant Plaintiff, Reginald Williams ("Reggie"), was employed by Morton's.

13. At all times relevant, Defendants, Shepard, Thomas, Edmund, Robinson, Wismick and Gerard were employees and/or independent contractors and/or agents and/or operating under the direction and control of Defendant Morton's, and all such acts complained of herein were committed within the course and scope of that employment.

14. Plaintiff, Reggie is a family man. He has been married for 11 years, and is the proud father of two sons.

15. Reggie attended Le Cordon Bleu ("LCB") culinary college. He graduated from LCB on November 2006 and began to work as a chef.

16. While working as a chef at Grand Luxe, Reggie met Chef Gary Hendrickson ("Chef Gary") and the two worked together until such time as Chef Gary went to work for Morton's Restaurants at its Town Center of Boca Raton, Florida location in about December of 2009.

17. While working together at the Grand Luxe, Reggie and Chef Gary got along well. Chef Gary, once he began his employment at Morton's, advised Reggie that if he took a job at Morton's he would be enrolled in the sous-chef program, a program which is designed to train kitchen personnel to assume management responsibilities within the company, including head chef, and beyond.

18. Based upon his past positive work experience with Chef Gary, and, relying upon the promise of substantial training towards a responsible management position, Reggie left Grand Luxe which he, his wife, and his then 7 and 14 year old sons depended upon, for the promise of a new career and new opportunities at Morton's.

19. Unfortunately, the promise of a bright new future soon turned into a nightmare.

20. Beginning on or about October 1, 2009, Reginald Williams started working at Morton's Boca Raton location. When Reggie started there, things seemed somewhat "strange" and it appeared that a complete change had come over Chef Gary. Chef Gary appeared troubled, different, a changed man, who frankly appeared to be under extreme stress. Reggie was soon to learn the terrible reasons why.

21. Edmund, Robinson, Wismick and Gerard were employed as entry level kitchen staff at Morton's Boca Raton location. Their responsibilities often included basic food prep. Each had been hired on one or more occasions, left Morton's, and were later rehired.

22. On their return to employment, Wismick, Gerard, and Robinson were initially quiescent. However, upon Edmund's return, things changed. Following Edmund's rehire, these four Defendants began to engage in verbal abuse of others in the kitchen.

23. This verbal abuse was of a sexual nature and was directed at/to the male staff. Edmund, Wismick, Gerard and Robinson would often ask other male kitchen workers whether they enjoyed "blow jobs", and wanted "blow jobs", whether they wanted to kiss them or if they could kiss them.

24. The verbal harassment included, but was not limited to Edmund, Wismick, Gerard and Robinson calling other workers in the kitchen their "babies" and/or their

“girlfriends.”

25. Such verbal harassment was regularly done right in front of managers, including, but not limited to, Chef Gary and Larry Thomas, the restaurant’s general manager.

26. This verbal abuse quickly escalated to include physical abuse.

27. In particular, Edmund Bleus began to repeatedly attempt to kiss other male co-workers, to grab them, including their private parts, and hug them. Edmund would come behind male workers aggressively, lick their ears, grab their buttocks and, simulate dry-humping/anal intercourse.

28. Morton’s management, including Larry Thomas, and/or Chef Gary Hendrickson and/or Chef Joe Renta and/or Todd Shepard, district manager for the subject restaurant, as well as others, were present and had observed this behavior several times a week over a several month period which culminated in an attack in which Edmund attempted to penetrate Reggie on February 14, 2011.

29. During this period of time, despite having actual knowledge, no member of management ever said or did anything to stop or even to discourage the behavior or verbal and/or physical abuse. Instead, management during this period of time created an oppressive environment, a culture of silence, in which any complaints were swiftly met with harsh discipline or termination of employment of the complainant.

30. Manager Larry Thomas, whose responsibilities included the overall day to day management of the Boca Raton location, would often engage in inappropriate sexual conduct, himself, including circulating pictures from his Facebook profile, including one in which he dressed up as a vagina for Halloween. Mr. Thomas’ proclivities were known to Morton’s management, who did nothing, indeed Morton’s management was, or should have been, aware

that Larry Thomas had been the subject of other harassment complaints at his prior place of employment.

31. Management's indifference was beyond all common decency which it owed both to its workers and to the safety and health of its customers, and it did nothing to prevent and/or minimize the disgusting and non-hygienic practices of Edmund Bleus.

32. Edmund's daily tasks included prepping vegetables/asparagus. During the time he was supposed to be prepping, he would place stalks of asparagus inside his underwear, next to his anal/genital area in order to simulate an erect penis. He then would parade around the kitchen and he would sexually abuse male co-workers, both physically and verbally, using the asparagus in his private areas as a phallic prop.

33. He did this, in full view of Chef Gary and/or Chef Joe Renta and/or Larry Thomas, repeatedly.

34. No one intervened in any way to stop Edmund. Management turned a blind eye to the abuse, indeed, management observed Edmund taking the asparagus back out of his anal/genital area, returning it to his station and, in an utterly revolting, stomach turning act, reminiscent of the worst fast food B-movie, and more so, despite the real risk of exposing to the public serious illness and injury, later serve that asparagus to Morton's unsuspecting paying customers.

35. Management's turning of a blind eye to the situation continued despite the obvious meltdown of Chef Gary. Chef Gary, who also endured the abuse day in and day out, began to act bizarrely, and was not able to continue with his employment. Morton's then hired Joe Renta as executive chef ("Chef Joe"). The conduct of Edmund, Robinson, Wismick and Gerard deteriorated, even more so, after Chef Joe took over. Indeed, in the weeks and months

prior to February 14, 2011, in front of staff and management, Edmund, Robinson, Wismick and Gerard continued to grab and/or touch Reggie and other male employees in an inappropriate, un-consensual, sexual manner, including attempting to, and in fact, hugging, kissing, biting their ears, fondling, and simulating anal intercourse.

36. These instances even included female staff observing Edmund on top of a male employee, who was back side up inside the storage room and/or cooler.

37. During the course of the outrageous conduct Reggie was subjected to, Morton's was presented with instances of harassment of other male employees by others, and was fully aware of the chronic ongoing outrageous situation, and did not take reasonable actions to stop it,

38. Ultimately, on February 14, 2011, Edmund Bleus violently attacked Reggie Williams. While in the dry storage area, Wismick stood look out while Reggie was getting supplies. Edmund entered the storage area, and pulled down his pants and exposed himself, and struggled with Reggie to remove his clothes in an attempt to rape him and/or anally penetrate him, and/or sodomize him. Reggie fought off Edmund as best as he could. Reggie received serious physical injury and psychological injury, and subsequently notified the police who duly made a report of the incident.

39. Following the February 14, 2011 incident, Reggie could not return to work, nor did he believe it safe to return to work. He felt ashamed, was psychologically, emotionally and physically traumatized and permanently injured.

40. All conditions precedent to this action have been satisfied including, but not limited to, the receipt of a right to sue letter from the Equal Employment Opportunity Commission ("EEOC").

COUNT I - BATTERY

41. Plaintiffs re-incorporate and re-allege counts 1-40 as if set forth at length herein

42. Plaintiff was subjected to unlawful touching and/or striking with the use of force against his person by others who did so with the intention of bringing about a harmful or offensive conduct or apprehension thereof, without consent of Plaintiff.

43. Such actions constituted a battery upon Plaintiff

44. As a result of the Defendants' aforesaid conduct, the Plaintiff, Reggie Williams, sustained personal injuries. He suffered bodily injury, resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care, and loss of ability to earn money. The losses are permanent or continuing, and Plaintiff will suffer the losses in the future. Additionally, Crystal Williams, Reggie's wife, has endured the loss of her husband's consortium, companionship, society, and all other damages allowable under Florida Law.

WHEREFORE, Plaintiffs, Reggie Williams and his wife, Crystal Williams, demand judgment for compensatory and punitive damages against Defendants in excess of fifteen thousand (\$15,000.00) dollars and for all other appropriate relief.

COUNT II- ASSAULT

45. Plaintiffs re-incorporate and re-allege counts 1-40 as if set forth at length herein.

46. Plaintiff was subjected to intentional unlawful offers of corporal injury by force, or force unlawfully directed towards a person of another, and the circumstance were such as to create a fear of imminent peril, coupled with apparent present ability to effectuate the attempt.

47. Such actions constituted an assault upon Plaintiff

48. As a result of the Defendants' aforesaid conduct, the Plaintiff, Reggie Williams, sustained personal injuries. He suffered bodily injury, resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care, and loss of ability to earn money. The losses are permanent or continuing, and Plaintiff will suffer the losses in the future. Additionally, Crystal Williams, Reggie's wife, has endured the loss of her husband's consortium, companionship, society, and all other damages allowable under Florida Law.

WHEREFORE, Plaintiffs, Reggie Williams and his wife, Crystal Williams, demand judgment for compensatory and punitive damages against Defendants in excess of fifteen thousand (\$15,000.00) dollars and for all other appropriate relief.

COUNT III - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

49. Plaintiffs re-incorporate and re-allege counts 1-40 as if set forth at length herein.

50. The wrongdoers conduct, incorporated by referenced herein, for which Morton's is legally responsible, was intentional or reckless, that is, those actors intended their behavior, when they knew or should have known that emotional distress would likely result to Plaintiff.

51. The conduct was outrageous and went beyond all bounds of decency, was disgusting, repugnant, and is to be regarded as odious and utterly intolerable, in our civilized community, the conduct caused emotional distress to Plaintiff, and the emotional distress was severe.

52. As a result of the Defendants' aforesaid conduct, the Plaintiff, Reggie Williams, sustained personal injuries. He suffered bodily injury, resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care, and loss of ability to earn money. The losses are

permanent or continuing, and Plaintiff will suffer the losses in the future. Additionally, Crystal Williams, Reggie's wife, has endured the loss of her husband's consortium, companionship, society, and all other damages allowable under Florida Law.

WHEREFORE, Plaintiffs, Reggie Williams and his wife, Crystal Williams, demand judgment for compensatory and punitive damages against Defendants in excess of fifteen thousand (\$15,000.00) dollars and for all other appropriate relief.

COUNT IV - VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT,
§ 760.01 —760.11. FLORIDA STATUTES

53. Plaintiffs re-incorporate and re-allege counts 1-40 as if set forth at length herein.

54. All conditions precedent to suit have been satisfied.

55. Plaintiff Reggie Williams falls within the class of persons protected by the Florida Civil Rights Act.

56. During the time he was employed with Morton's, he was subjected to repeated unwanted sexual harassment, including but not limited to, sexual advances, request for sexual favors, and other conduct of a sexual nature; and that harassment was based upon his gender.

57. The harassment that Plaintiff was subjected to was outrageous and/or severe and/or so pervasive as to alter the terms and conditions of his employment and created discriminatory abuse of the working environment.

58. Defendant Morton's knew or should have known about the harassment and took no and/or insufficient remedial action.

59. As a result of the above, Plaintiff has been damaged.

60. Accordingly, Plaintiff Reggie Williams demand all damages to which he may be statutorily entitled, including, but not limited to back pay, compensatory damages and punitive

damages, including, but not limited to damages for mental anguish, loss of dignity, physical injury, other intangible injuries, and reasonable attorney's fees and costs. Additionally, Crystal Williams, Reggie's wife, has endured the loss of her husband's consortium, companionship, society, and all other damages allowable under Florida Law.

WHEREFORE, Plaintiffs, Reggie Williams and his wife, Crystal Williams, demand judgment for compensatory and punitive damages against Defendant Morton's in excess of fifteen thousand (\$15,000.00) dollars and for all other appropriate relief.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand trial by jury on all issues so triable.

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