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## Firm seeks class action tips suit against Pier 4

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A former **Anthony's Pier 4** server is suing the waterfront restaurant, claiming he was improperly forced to give a portion of his tips to management.

So far, the only plaintiff in the case is Dennis Godt, a former waiter, but the Boston law firm that's handling the case is gunning for a class action suit as well as treble damages.

Godt, who worked at Anthony's Pier 4 as a waiter between 1995 and 2000, and then again from October 2006 to May 2007, said a 2004 amendment clarifying the state's tips law prompted him to make the claim, which was filed in the Suffolk Superior Court in September.

The suit is one of more than 30 such cases handled by **Pyle, Rome, Lichten, Ehrenberg & Liss-Riordan PC**, a Boston law firm that specializes in tips lawsuits against employers. The suits hinge on a Massachusetts law that states that all tips, gratuities and service charges go solely to service employees, waitstaff and bartenders. The complaints, placed by servers who have work in restaurant and hotels, often revolve around private parties and banquets, where a common industry practice has been to levy a single service charge that is ultimately split among servers and others, including managers, who helped either organize or run the party.

In the case of Pier 4, the issue revolves around whether the wine stewards are in fact managers and not service providers.

According to David L. Kelston, the lawyer for Anthony's Pier 4, they are not; according to Godt's lawyers, they are. The suit also claims the restaurant did not pay workers the legally required minimum wage.

Anthony Athanas Jr., who owns and operates Pier 4 and Hawthorne by the Sea in Swampscott, did not return calls.

According to Godt, servers were required to give 10 percent of the cost of a bottle of wine sold to the wine steward on duty. It was that way when Godt worked at the restaurant from 1995 to 2000, and again when he returned, he said.



W. Marc Bemsau

Pyle Rome attorneys Shannon Liss-Riordan, left, and Hillary Schwab have helped create a cottage industry around tips-law cases.

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"Basically the wine stewards were doubling as managers," said Godt, who would not say where he's currently working.

Although a 2004 amendment clarified the law, Shannon Liss-Riordan of Pyle Rome, who has created a cottage industry around tips-law cases, said her workload has blossomed since.

The law has also forced restaurateurs to clarify their own practices in order to protect themselves against litigation.

"As soon as we started hearing about it, we started looking at what was going where," said Esti Parsons, a general manager and partner of Radius, and partner in Via Matta and Great Bay.

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