

47

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

SUFFOLK, ss.

KATHERINE LEON, KHADIJA DIABY
and GABRIELLE FURTADO, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

BIG NIGHT ENTERTAINMENT GROUP,
INC.; BIG CAUSEWAY, LLC d/b/a BIG
NIGHT LIVE; BIG NIGHT VENUES
BOSTON 4, LLC d/b/a THE GRAND and
SCORPION BAR; BIG NIGHT VENUES
BOSTON HARBOR 2, LLC d/b/a
MEMOIRE; EDWARD A. KANE,
individually and RANDY GREENSTEIN,
individually,

Defendants.

Civil Action No. 2484-CV-00139 H

SUFFOLK, ss. SUPERIOR COURT DEPT
(date) March 2, 2026
FILED
Brenda J. Shisler
ASSISTANT CLERK

[PROPOSED]

SECOND AMENDED CLASS ACTION COMPLAINT AND JURY DEMAND

I. INTRODUCTION

1. Employers in Massachusetts must pay their service workers all fees they charge to patrons in lieu of a tip, which are designated as service charges, or any charge that a customer would reasonably expect to be given to a wait staff employee, service employee, or service bartender in lieu of or in addition to a tip. *See* M.G.L. c. 149 § 152A. Employers who violate this law by failing to pay said charges to service workers are not eligible to take the tip credit and must pay their service workers the full minimum wage for all hours worked. *Id.*

2. Here, Defendants, owners of seven nightclubs and restaurants in Massachusetts, charged their customers a "service charge," "service fee," and/or a "table fee," totaling between

5% and 7.5% of a customer's invoice, but retained those charges for themselves and failed to pass them along to their service workers in violation of Massachusetts law. *Id.*

3. Patrons or customers would reasonably expect these fees to be paid to Defendants' wait staff and not retained by Defendants.

4. Defendants also paid their servers the tipped employee wage of \$6.75 per hour, rather than the full minimum wage of \$15.00 per hour, retaining the difference of \$8.25 per hour for themselves.

5. Defendants' conduct violates the Massachusetts Wage Act (the "Wage Act"), the Massachusetts Tip Statute, and the Massachusetts Minimum Fair Wage Act, and has resulted Defendants' retention of millions of dollars in tips and wages that they should have paid to Plaintiffs and their service workers (the "Class" or "Class Members") (Plaintiffs and the Class, collectively "Plaintiffs") over the preceding three (3) years. *See* M.G.L. c. 149 § 148; M.G.L. c. M.G.L. 149 § 152A; M.G.L. 151 § 7.

6. Accordingly, Defendants are liable to Plaintiffs and the Class for three times the amount of the unpaid wages, plus interest, costs, and attorneys' fees, even if Plaintiffs and/or the Class were paid prior to the commencement of litigation. *See* M.G.L. c. 149 § 150; *see also Reuter v. City of Methuen*, 184 N.E.3d 772, 781 (Mass. 2022).

II. PARTIES

4. Defendant, Big Night Entertainment Group, Inc. ("Defendant Big Night"), is a domestic corporation organized under the laws of the Commonwealth of Massachusetts, with a principal place of business located at 470 Atlantic Avenue, Suite 301, Boston, Suffolk County, Massachusetts. Defendant Big Night's Massachusetts Registered Agent is Edward A. Kane, located at 470 Atlantic Avenue, Suite 301, Boston, Suffolk County, Massachusetts 02210.

5. Defendant, Big Causeway, LLC d/b/a Big Night Live ("Defendant Big Night

Live”), is a domestic limited liability company organized under the laws of the Commonwealth of Massachusetts. Defendant Big Night Live maintains its records at 470 Atlantic Avenue, Suite 301, Boston, Suffolk County, Massachusetts. Defendant Big Night Live’s Massachusetts Registered Agent is Edward A. Kane, located at 470 Atlantic Avenue, Suite 301, Boston, Suffolk County, Massachusetts 02210.

6. Defendant, Big Night Venues Boston 4, LLC d/b/a The Grand and Scorpion Bar (“Defendant The Grand and Scorpion Bar”), is a domestic limited liability company organized under the laws of the Commonwealth of Massachusetts. Defendant The Grand and Scorpion Bar maintains its records at 470 Atlantic Avenue, Suite 301, Boston, Suffolk County, Massachusetts. Defendant The Grand and Scorpion Bar’s Massachusetts Registered Agent is Edward A. Kane, located at 470 Atlantic Avenue, Suite 301, Boston, Suffolk County, Massachusetts 02210.

7. Defendant, Big Night Venues Boston Harbor 2, LLC d/b/a Memoire (“Defendant Memoire”), is a domestic limited liability company organized under the laws of the Commonwealth of Massachusetts. Defendant Memoire maintains its records at 470 Atlantic Avenue, Suite 301, Boston, Suffolk County, Massachusetts. Defendant Memoire’s Massachusetts Registered Agent is Edward A. Kane, located at 470 Atlantic Avenue, Suite 301, Boston, Suffolk County, Massachusetts 02210.

8. Defendant, Edward A. Kane (“Defendant Kane”), individually, serves as the President of Defendant Big Night, and a Manager of Defendants Big Night Live, The Grand and Scorpion Bar, and Memoire (collectively, “Big Night”) (Big Night, Defendant Kane, and Defendant Randy Greenstein, collectively, “Defendants”). Pursuant to records kept with the Corporation Division of the Massachusetts Secretary of the Commonwealth, he maintains an address at 470 Atlantic Avenue, Suite 301, Boston, Suffolk County, Massachusetts.

9. Defendant, Randy Greenstein (“Defendant Greenstein”), individually, serves as

the Treasurer of Defendant Big Night. Pursuant to records kept with the Corporation Division of the Massachusetts Secretary of the Commonwealth, he maintains an address at 470 Atlantic Avenue, Suite 301, Boston, Suffolk County, Massachusetts.

10. Plaintiff, Katherine Leon ("Plaintiff Leon") is an adult individual residing in Suffolk County, Massachusetts.

11. Plaintiff, Khadija Diaby ("Plaintiff Diaby") is an adult individual residing in Suffolk County, Massachusetts.

12. Plaintiff, Gabrielle Furtado ("Plaintiff Furtado") is an adult individual residing in Kent County, Rhode Island.

III. JURISDICTION

13. This Court has jurisdiction over this matter pursuant to M.G.L. c. 149 §§ 148; 150 and M.G.L. c. 223A §§ 2; 3.

14. Venue is proper pursuant to M.G.L. c. 223 § 1.

15. Plaintiff Leon received authorization from the Massachusetts Office of the Attorney General, Fair Labor Division, to pursue her claims for unpaid wages on behalf of herself, and on behalf of all other similarly situated employees, against Defendant Big Night on January 2, 2024 and against Defendants Big Night Live, The Grand and Scorpion Bar, and Memoire on August 21, 2025 (copies of Plaintiff Leon's Private Right of Action Authorizations attached as Exhibit "A").

16. Plaintiff Diaby received authorization from the Massachusetts Office of the Attorney General, Fair Labor Division, to pursue her claims for unpaid wages on behalf of herself, and on behalf of all other similarly situated employees, against Defendants Big Night, Big Night Live, The Grand and Scorpion Bar, and Memoire on August 21, 2025 (copies of Plaintiff Diaby's Private Right of Action Authorizations attached as Exhibit "B").

17. Plaintiff Furtado received authorization from the Massachusetts Office of the Attorney General, Fair Labor Division, to pursue her claims for unpaid wages on behalf of herself, and on behalf of all other similarly situated employees, against Defendant Big Night on August 14, 2025 and against Defendants Big Night Live, The Grand and Scorpion Bar, and Memoire on August 21, 2025 (copies of Plaintiff Furtado's Private Right of Action Authorizations attached as Exhibit "C").

IV. BACKGROUND FACTS

18. Defendant Big Night owns and operates high-end nightclubs in the Boston area including Big Night Live, Empire, Memoire, Mystique, Scorpion Boston, The Grand, and The Scorpion Bar Patriot Place. With annual revenues of \$195,000,000.00, Big Night boasts that it is "New England's Premier Hospitality & Entertainment Group."

19. Upon information and belief, Defendants employ approximately 350 employees in Massachusetts.

20. Defendant Edward A. Kane, individually, is an employer of Plaintiffs and the Class by virtue of his status as Defendant Big Night's President and Manager of Defendants Big Night Live, The Grand and Scorpion Bar, and Memoire. *See* M.G.L. c. 149 § 148.

21. Defendant Randy Greenstein, individually, is an employer of Plaintiffs and the Class by virtue of his status as Defendant Big Night's Treasurer. *Id.*

22. Upon information and belief, Defendant Big Night operates and controls all Big Night entities in Massachusetts.

23. Upon information and belief, Plaintiffs and the Class were subject to Defendant Big Night's employee policies, including Defendant Big Night's employee/company handbook.

24. Upon information and belief, all Big Night entities utilized the same Human Resources ("HR") Department and Payroll Department, and all HR and Payroll employees were

employed by Defendant Big Night.

25. Upon information and belief, all Big Night employees were paid by Defendant Big Night, and "Big Night Entertainment Group Inc." was listed on their paystubs.

26. Upon information and belief, all of Defendants' employees were issued Forms W-2 listing "Big Night Entertainment Group, Inc." as their employer.

27. Upon information and belief, Defendant Big Night controls all conditions of employment for all its employees, including employees of its subsidiary businesses, such as rates of compensation, methods of payment, and the maintenance of employment records for all such employees. *See Jinks v. Credico (USA) LLC*, 177 N.E.3d 509, 513 (Mass. 2021).

28. As a result, Defendant Big Night is a joint employer of Plaintiffs and the Class.

29. Alternatively, Defendant Big Night and its subsidiaries constitute a single integrated enterprise. *See Torres-Negron v. Merck & Company, Inc.*, 488 F.3d 34, 40-42 (1st Cir. 2007) ("Nominally separate companies may be so interrelated that they constitute a single employer subject to liability," which is proven when the entities have (1) common management; (2) interrelated operations; (3) centralized control over labor relations; and (4) common ownership).

30. Defendants have common management, as Defendant Edward A. Kane is the President of Defendant Big Night and sole manager of Defendants Big Night Live, The Grand and Scorpion Bar, and Memoire.

31. Defendants have interrelated operations given that all entities own, facilitate, or otherwise contribute to the operation of Defendants' restaurant and night club establishments. Upon information and belief, Defendant Big Night uses a common HR and payroll department for all of its entities. Further, upon information and belief, Defendant Big Night maintains common benefit and retirement plans for all employees of any Big Night entity.

32. Defendant Big Night has centralized control over labor relations for all employees of any Big Night entity, given that employees of any Big Night entity are (1) paid by Defendant Big Night; (2) subject to Defendant Big Night's employee/company handbook, policies, and procedures; (3) given Forms W-2 that list Defendant Big Night as their employer; and (4) because any Big Night employee can be assigned to work shift at locations outside of the Big Night location in which they are primarily assigned to work.

33. Defendants also have common ownership. Defendant Edward A. Kane is the President of Defendant Big Night and the Manager of Defendants Big Night Live, The Grand and Scorpion Bar, and Memoire.

34. As a result, Defendant Big Night and its subsidiaries, including Defendants Big Night Live, The Grand and Scorpion Bar, and Memoire operate as a single integrated enterprise.

35. Defendants employed Plaintiff Leon as a Bottle Server from June 2, 2021, until on or about December 15, 2023.

36. At all times relevant, Defendants primarily assigned Plaintiff Leon to serve patrons at The Grand nightclub, located at 58 Seaport Boulevard, #300, Boston, Suffolk County, Massachusetts 02210.

37. Plaintiff Leon was occasionally assigned to work at other nightclubs in Massachusetts owned and operated by Big Night.

38. Defendants generally assigned Plaintiff Leon to work approximately four shifts per week, with each shift ranging between six and eight hours in duration.

39. Defendants paid Plaintiff Leon at the service rate in the amount of \$6.75 per hour, plus tips, for her work as a Bottle Server. *See* M.G.L. c. 149 § 152A; M.G.L. c. 151 § 1.

40. Defendants employed Plaintiff Diaby as a Bottle Server from 2021, until in or around the beginning of July 2022.

41. At all times relevant, Defendants primarily assigned Plaintiff Diaby to serve patrons at The Grand nightclub.

42. Plaintiff Diaby was occasionally assigned to work at other nightclubs in Massachusetts owned and operated by Big Night, such as Big Night Live, located at 110 Causeway Street, Boston, Suffolk County, Massachusetts 02114.

43. Defendants generally assigned Plaintiff Diaby to work approximately four shifts per week, with each shift ranging between approximately six and eight hours in duration.

44. Defendants paid Plaintiff Diaby at the service rate in the amount of \$6.75 per hour, plus tips, for her work as a Bottle Server. *See* M.G.L. c. 149 § 152A; M.G.L. c. 151 § 1.

45. Defendants employed Plaintiff Furtado as a Bottle Server from 2019 until in or around July 2024.

46. At all times relevant, Defendants primarily assigned Plaintiff Furtado to serve patrons at the Memoire nightclub, located at 1 Broadway, Everett, Middlesex County, Massachusetts 02210.

47. Plaintiff Furtado was occasionally assigned to work at other nightclubs in Massachusetts owned and operated by Big Night.

48. Defendants generally assigned Plaintiff Furtado to work approximately four shifts per week, with each shift ranging between approximately six and eight hours in duration.

49. Defendants paid Plaintiff Furtado at the service rate in the amount of \$6.75 per hour, plus tips, for her work as a Bottle Server. *See* M.G.L. c. 149 § 152A; M.G.L. c. 151 § 1.

50. While working as a Bottle Server for Defendants, Plaintiffs primarily served alcoholic beverages and non-alcoholic beverages to patrons at tables, and coordinated collecting payment from patrons for said drink orders.

51. Defendants charged patrons who purchased drink(s) from Bottle Servers for the

cost of the drink(s), sales tax, an optional "tip," and a mandatory "service charge," "service fee," or "table fee" (hereinafter collectively, "Service Charges") representing 5% of the total invoice.

52. Upon information and belief, in or around December 15, 2022, Defendants increased the Service Charge from 5% of the total invoice to 7.5% of the total invoice.

53. Depending on the amount of the total invoice, which could range from anywhere from \$500.00 on the low end to over \$40,000.00 on the high end for bottle service, the Service Charges Defendants extracted from their patrons could range anywhere from \$25.00 to over several thousand dollars.

54. For example, on the night of October 15, 2021, Defendant assigned Plaintiff Leon to work a shift as a Bottle Server at The Grand. During this shift, Plaintiff Leon waited on a table that purchased \$584.00 in beverages. *See* Image of Katherine Leon Employee Detail Receipt, The Grand (Oct. 15, 2021, 1:53 AM) below. The printed receipt showed "Service Charges" totaling \$149.20, of which the "Table Fee" accounted for \$29.20. *Id.*

Employee Detail		
The Grand - Boston, MA		
Katherin Leon		
Printed on 10/15/2021 - 01:53 AM		
Shift 363 Shift 10/14 - 05:45 AM		
to 10/15 - 01:53 AM		
110234 - Katherin Leon		
Net Sales		584.00
+Service Charges		149.20
+Tax Collected		40.88
=Total Revenue		774.08
Item Discount		0.00
+Subtotal/Discount		0.00
=Total Discounts		0.00
Returns	0	0.00
Voids	0	0.00
Mor Voids	0	0.00
Error Correct	0	0.00
Cancel	-0	0.00
Credit Total		0.00
Change In Grand Total		774.08
Rounding Total		0.00
Training Total		0.00
Carry Over	0	0.00
+Checks Begun	1	774.08
-Checks Paid	1	774.08
+Xfer In	0	0.00
-Xfer Out	0	0.00
=Outstanding	0	0.00
Gross Receipts		584.00
Charged Receipts		613.20
Service Charges		29.20
+Charged Tips		120.00
+Tips Declared		0.00
=Total Tips	25.55%	149.20
Tips Paid		120.00
Tips Due		29.20
5 - Grand/VIP	Net Sales	584.00
Guests, Avg	5	116.80
Checks, Avg	1	584.00
Tables, Avg	0	0.00
Turn Time	0	0.00
Total Net Sales		584.00
Guests, Avg	5	116.80
Checks, Avg	1	584.00
Tables, Avg	0	0.00

55. Defendants should have remitted the full amount of the "Service Charges" (\$149.20) to Plaintiff Leon; however, Defendants retained the portion attributable to the "Table Fee" (\$29.20), for themselves. *Id.*

56. Similarly, on October 21, 2021, Plaintiff Leon worked another shift at The Grand as a Bottle Server, during which a table purchased \$1,525.00 in beverages. *See* Image of Receipt, The Grand (Oct. 21, 2021, 10:41 PM) below. This table's receipt included a "5% Table Fee," which totaled \$76.25. *Id.*

The Grand	
58 Seaboard Blvd Boston, MA 617-322-0200 www.TheGrandBoston.com	
110234	Katherin
Chk 6002	S2 Oct21'21 10:41PM
2 BOT 7	1000.00
1 BOT B Casamigos	525.00
5 %	76.25
5% Table Fee	321.60
Charge Tip	
XXXXXX XXXXX5578	2029.60
Visa	1525.00
Liquor	106.75
Tax	397.85
Service Chgs	2029.60
PAYMENT 110234 Check Closed	
-Oct22'21 01:55AM	

Thank you

The following Gratuity table is provided for your convenience:

18% is \$274.50
20% is \$305.00
25% is \$381.25

B. Strong Employee Fund

Donation Amounts

...voto?

57. Defendants should have remitted the full "Service Charge," (\$397.85), to Plaintiff Leon; however, Defendants retained the portion attributable to the "Table Fee" (\$76.25) for themselves. *Id.*

58. Big Night refers to the Table Fee and Tips on its receipts and invoices as "Service Charges."

59. At all times relevant, Defendants failed to provide a written description to patrons on their menus, table placards, receipts, invoices, or anywhere else regarding the Service Charges and the ultimate recipients of those funds.

60. Upon information and belief, many patrons assumed the Services Charge would be used to compensate their Bottle Server. However, Defendants did not remit any portion of the proceeds from the Services Charges that were designated as "Table Fees" to the Bottle Servers.

61. Upon information and belief, patrons were routinely confused regarding the

nature of the Service Charges, which resulted in a hardship to Plaintiffs and the Class because their tips were often diminished by patrons' mistaken assumption that the Bottle Servers would receive the full value of the Service Charge, which resulted in patrons failing to pay a tip or tipping less than they normally would have, had they known the truth about the Service Charges.

62. Upon information and belief, Bottle Servers routinely complained to one another and to management about the misleading nature of the Service Charges and how it negatively affected their tip earnings.

63. Upon information and belief, Big Night imposes the same Service Charges at all of its Massachusetts night clubs that offer bottle service.

64. By charging patrons a Service Fee for table service and not paying said fee to their Bottle Servers in its entirety, Big Night failed to fully compensate Plaintiffs and the Class for all wages that they were due in violation of the Wage Act and the Massachusetts Tips Statute. *See* M.G.L. c. 149 § 148; M.G.L. c. 149 § 152A.

65. Defendants paid Plaintiffs at a service rate in the amount of \$6.75 per hour instead of the full minimum wage of \$15.00 per hour for all hours worked, without complying with Massachusetts law regarding tip credit notices, in violation of the Massachusetts Tips Statute and Massachusetts Minimum Fair Wage Law. *See* M.G.L. c. 149 § 152A; M.G.L. c. 151 § 7.

66. For example, during the two-week pay period commencing November 20, 2023, and ending on December 3, 2023, Defendants assigned Plaintiff Leon to work 32.79 hours as a Bottle Server, but only paid her \$6.75 per hour, which totaled \$221.34, for her hours worked during this pay period. However, Defendants should have paid Plaintiff Leon \$15.00 per hour for each hour worked during this pay period, which would have totaled \$491.85. As a result, Defendants retained approximately \$270.51 of Plaintiff Leon's wages for their own use and

benefit. Defendants also retained all of the Table Fees charged to Plaintiff Leon's patrons during this pay period.

V. CLASS ACTION ALLEGATIONS

67. Defendants extracted Service Charges from patrons at their various Massachusetts nightclubs without ensuring that the full Service Charges were paid to the appropriate service workers in violation of M.G.L. c. 149 § 152A.

68. Patrons of Defendants' establishments reasonably expected that the Service Charges they paid would be used to compensate their Bottle Servers.

69. Defendants paid their Bottle Servers at their Massachusetts nightclub establishments at a service rate in the amount of \$6.75 per hour, rather than the full minimum wage of \$15.00 per hour, despite failing to adhere the requirements of the Tip Credit Law and despite their failure to comply with Massachusetts law concerning tip credit notices. *See* M.G.L. c. 149 § 152.

70. Plaintiffs bring this Action on behalf of themselves, and all other similarly situated Class Members.

71. The Class is defined as follows:

All Bottle Servers and/or Cocktail Servers who were employed by Defendants in Massachusetts at Big Night Live, Empire, Memoire, The Grand and Scorpion Bar, and/or Scorpion Bar Patriot Place during the three years immediately preceding the filing of this lawsuit on January 17, 2024.

72. Class certification for this Massachusetts state law claim is appropriate under Rule 23 of the Massachusetts Rules of Civil Procedure because all of the requirements of Rule 23 are met.

73. The Class is so numerous that joinder of all Members is impracticable. Upon information and belief, there are hundreds of workers who were employed by Defendants and

subjected to the policies and/or practices challenged herein during the period of the claim.

74. There are questions of law and fact common to the Class, including whether Defendants' policy and/or practice of not paying employees the full value of the Service Charges violated the Wage Act, the Massachusetts Tip Statute, and/or the Massachusetts Minimum Fair Wage Act.

75. The claims of Plaintiffs are typical of those of the Class Members. The claims of Plaintiffs encompass Defendants' challenged course of conduct. Furthermore, the claims of Plaintiffs are based on the same legal theories as the claims of the Class Members. The legal issues as to the violation of the Wage Act, the Massachusetts Tip Statute, and/or the Massachusetts Minimum Fair Wage Act by Defendants' conduct applies equally to Plaintiffs and to the Class.

76. Plaintiff will fairly and adequately protect the interests of the Class. The claims of Plaintiffs are not antagonistic to those of the Class, and Plaintiffs have hired counsel skilled in the prosecution of class actions.

77. 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 is the superior method of adjudication because it 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 Plaintiffs and the Class Members.

78. Based upon the foregoing, Defendants violated the Wage Act, the Massachusetts Tip Statute, and the Massachusetts Minimum Fair Wage Law by wrongfully retaining Service Charges that should have been remitted, in full, to its service workers, by failing to properly

issue tip credit notices to its service workers, and by failing to pay the full Massachusetts minimum wage.

VI. LEGAL CLAIMS

COUNT I – Violation of the Massachusetts Wage Act (Unlawful Retention of Service Charges), M.G.L. c. 149 §§ 148; 150; M.G.L. c. 149 § 152A vs. All Defendants

79. The Massachusetts Wage Act and Massachusetts Tip Statute require employers to pay employees for all wages owed within the period of time mandated by statute. *See* M.G.L. c. 149 § 148; M.G.L. c. 149 § 152A.

80. Defendants violated the Wage Act by retaining Service Charges paid by customers at their Massachusetts nightclubs which should have been paid to their service workers. *See* M.G.L. c. 149 § 152A.

81. As a direct and proximate result of Defendants' illegal conduct, Plaintiffs and the Class have sustained damages including but not limited to lost wages, liquidated damages, as well as attorneys' fees and costs associated with this action.

82. As a result, Defendants are liable to Plaintiffs and the Class for three times the amount of the late paid and unpaid wages, plus interest, costs, and attorneys' fees. *See* M.G.L. c. 149 § 150; *Reuter v. City of Methuen*, 184 N.E.3d 772, 781 (Mass. 2022).

COUNT II – Violation of the Massachusetts Minimum Fair Wage Act (Failure to Pay Full Minimum Wage), M.G.L. c. 151 §§ 1; 7; M.G.L. c. 149 §§ 148, 150; M.G.L. c. 149 § 152A vs. All Defendants

83. The Massachusetts Minimum Fair Wage Act requires employers to compensate non-exempt employees for all hours worked under forty hours in a regular workweek at an hourly rate known as the basic minimum wage. *See* M.G.L. c. 151 § 1.

84. Defendants violated this requirement by paying Plaintiffs and the Class Members at an hourly rate below the basic minimum wage. *Id.*

85. Defendants did not comply with Massachusetts notification requirements prior to paying Plaintiffs and the Class Members at a rate below the basic minimum wage. *See* M.G.L. c. 149 § 152A; M.G.L. c. 151 § 7.

86. Defendants' failure to pay Service Charges to their service workers resulted in a forfeiture of their right to take a tip credit for the wages of Plaintiffs and the Class, and thus, Defendants owe Plaintiffs and the Class the difference between their service rate of in the amount of \$6.75 per hour and the applicable minimum wage of \$15.00 per hour for all hours worked.

87. As a direct and proximate result of Defendants' illegal conduct, Plaintiffs and the Class have sustained damages including but not limited to lost wages, liquidated damages, as well as attorneys' fees and costs associated with this action.

88. Defendants' failure to pay the full minimum wage violated the Wage Act. Defendants are therefore liable to Plaintiffs and the Class for three times the amount of the late paid and unpaid wages, plus interest, costs, and attorneys' fees. *See* M.G.L. c. 149 § 150; *Reuter* at 781 (Mass. 2022).

VII. DEMAND FOR RELIEF

Plaintiffs, on behalf of themselves and all other similarly situated, request that the Court:

- A. Certify this Action as a class action pursuant to M.G.L. c. 149 § 148;
- B. In the alternative, certify this case as a class action pursuant to Rule 23 of the Massachusetts Rules of Civil Procedure;
- C. Appoint Plaintiffs as Class Representatives;
- D. Appoint the undersigned as Class Counsel;
- E. Award Plaintiffs and the Class treble damages pursuant to M.G.L. c. 149 §§ 148; 150;

- F. Award Plaintiffs and the Class all pre-judgment and post-judgment interest on these damages pursuant to M.G.L. c. 149 §§ 148; 150;
- G. Award attorneys' fees and costs incurred by Plaintiffs in prosecuting this Action pursuant to M.G.L. c. 149 §§ 148; 150;
- H. Award service awards to Plaintiffs Leon, Diaby, and Furtado; and
- I. Award such other relief as the Court deems just.

VIII. JURY DEMAND

Plaintiffs, on behalf of themselves and all others similarly situated, demand a trial by jury as to the allegations contained in this Complaint.

Dated: February 24, 2026

Respectfully submitted,

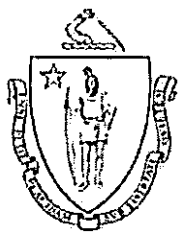
The Plaintiffs,
KATHERINE LEON, KHADIJA DIABY,
and GABRIELLE FURTADO, on behalf of
themselves and all others similarly situated,
By their Attorneys,

/s/ Raymond Dinsmore

Raymond Dinsmore, Esq. (BBO # 667340)
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Attorneys for Plaintiffs and the Class

EXHIBIT A



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
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January 2, 2024

Raymond Dinsmore, Esq.
Hayber, McKenna & Dinsmore, LLC
One Monarch Place, Suite 1340
Springfield, MA 01144

RE: Katherine Leon
Request for Private Right of Action against Big Night Entertainment Group

Dear Attorney Dinsmore:

Thank you for contacting the Office of the Attorney General's Fair Labor Division.

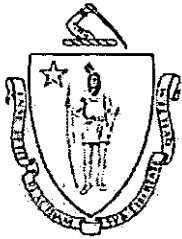
Massachusetts General Laws Chapter 149, § 150, and Chapter 151, §§ 1B and 20 establish a private right of action for employees who believe they are victims of certain violations of the state wage laws.

This letter is to inform you that we are authorizing you to pursue this matter through a private civil lawsuit. If you elect to sue in civil court, you may bring an action on your own or your clients' behalf, and on behalf of other similarly situated workers.

This office will not pursue an investigation or enforcement at this time.

Sincerely,

Fair Labor Division
Office of the Massachusetts Attorney General
(617) 727-3465



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
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August 21, 2025

Raymond Dinsmore, Esq.
Ryan B. Guers, Esq.
Hayber, McKenna & Dinsmore, LLC
One Monarch Place, Suite 1340
Springfield, MA 01144

RE: Katherine Leon
Request for Private Right of Action against Big Causeway, LLC d/b/a Big Night Live

Dear Counsel:

Thank you for contacting the Office of the Attorney General's Fair Labor Division. We are in receipt of your request for a private right of action. Massachusetts General Laws Chapter 149, § 150 establishes a private right of action for alleged violations of certain state wage laws:

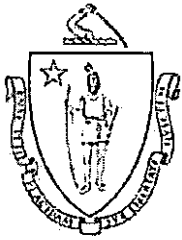
- G.L. c. 149, §§ 52D, 52E, 148, 148A, 148B, 148C, 150C, 152, 152A, 159C, or 190; and
- G.L. c. 151, §§ 1A, 1B, 19, or 20

While we have not made a determination of the merits of your claim, this letter serves as the Attorney General's authorization for you to pursue private action. You may bring an action on your own or your client's behalf and on behalf of other similarly situated workers. Workers who win their wage and hour cases in court have a right to collect triple damages, attorneys' fees, and court costs.

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Sincerely,

Fair Labor Division
Office of the Massachusetts Attorney General
(617) 727-3465



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

August 21, 2025

Raymond Dinsmore, Esq.
Ryan B. Guers, Esq.
Hayber, McKenna & Dinsmore, LLC
One Monarch Place, Suite 1340
Springfield, MA 01144

RE: Katherine Leon
Request for Private Right of Action against Big Night Venues Boston 4, LLC d/b/a The
Grand and Scorpion Bar

Dear Counsel:

Thank you for contacting the Office of the Attorney General's Fair Labor Division. We are in receipt of your request for a private right of action. Massachusetts General Laws Chapter 149, § 150 establishes a private right of action for alleged violations of certain state wage laws:

- G.L. c. 149, §§ 52D, 52E, 148, 148A, 148B, 148C, 150C, 152, 152A, 159C, or 190; and
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d/b/a Memoire

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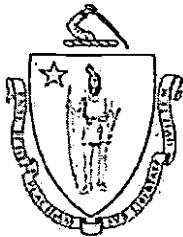
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EXHIBIT B



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OFFICE OF THE ATTORNEY GENERAL
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August 21, 2025

Raymond Dinsmore, Esq.
Ryan B. Guers, Esq.
Hayber, McKenna & Dinsmore, LLC
One Monarch Place, Suite 1340
Springfield, MA 01144

RE: Khadija Diaby
Request for Private Right of Action against Big Night Entertainment Group, Inc.

Dear Counsel:

Thank you for contacting the Office of the Attorney General's Fair Labor Division. We are in receipt of your request for a private right of action. Massachusetts General Laws Chapter 149, § 150 establishes a private right of action for alleged violations of certain state wage laws:

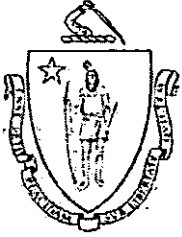
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August 21, 2025

Raymond Dinsmore, Esq.
Ryan B. Guers, Esq.
Hayber, McKenna & Dinsmore, LLC
One Monarch Place, Suite 1340
Springfield, MA 01144

RE: Khadija Diaby
Request for Private Right of Action against Big Causeway, LLC d/b/a Big Night Live

Dear Counsel:

Thank you for contacting the Office of the Attorney General's Fair Labor Division. We are in receipt of your request for a private right of action. Massachusetts General Laws Chapter 149, § 150 establishes a private right of action for alleged violations of certain state wage laws:

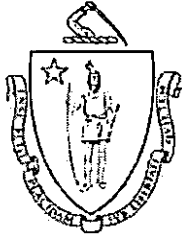
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August 21, 2025

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RE: Khadija Diaby
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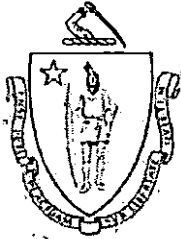
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August 21, 2025

Raymond Dinsmore, Esq.
Ryan B. Guers, Esq.
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One Monarch Place, Suite 1340
Springfield, MA 01144

RE: Khadija Diaby
Request for Private Right of Action against Big Night Venues Boston Harbor 2, LLC
d/b/a Memoire

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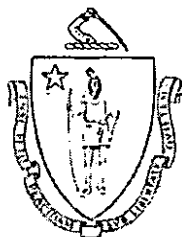
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EXHIBIT C



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BOSTON, MASSACHUSETTS 02108

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August 14, 2025

Raymond Dinsmore, Esq.
Ryan B. Guers, Esq.
Hayber, McKenna & Dinsmore, LLC
One Monarch Place, Suite 1340
Springfield, MA 01144

RE: Gabriella Furtado
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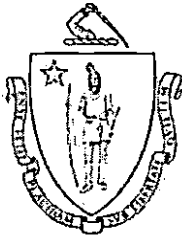
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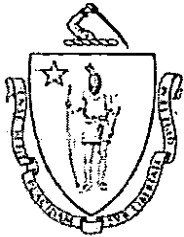
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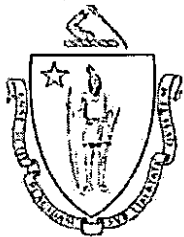
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