

**Harassment allegations arose only after firing, defense argued**

**Type:** Verdict-Defendant

**State:** Connecticut

**Venue:** Federal

**Court:** U.S. District Court, District of Connecticut

**Injury Type(s):** mental/psychological-emotional distress

**Case Type:** Civil Rights - Title VII  
Employment - Retaliation, Compensation  
Privacy - Breach of Privacy  
Employment - Sexual Harassment, Workplace Harassment, Fair Labor Standards Act, Hostile Work Environment  
Civil Rights - Civil Rights Act of 1964  
Intentional Torts - Intentional Infliction of Emotional Distress

**Case Name:** Lauren E. Marsteller v. Butterfield 8 Stamford, LLC, Public House Investments, LLC, Lolas Stamford, LLC, John Gazzola, Douglas Newhook and Ryan Slavin, No. 3:14-cv-1372-AWT-SAM

**Date:** February 23, 2018

**Parties**

**Plaintiff(s):** Lauren E. Marsteller (Female, 25 Years)

**Plaintiff Attorney(s):** Patrick J. Boyd; The Boyd Law Group, PLLC; Stamford, CT, for Lauren E. Marsteller  
Stephen M. Bourtin; The Boyd Law Group, PLLC; Stamford, CT, for Lauren E. Marsteller

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**Defendant(s):** Ryan Slavin, John Gazzola, Douglas Newhook, Lolas Stamford, LLC,

Butterfield 8 Stamford, LLC, Public House Investments, LLC

**Defense Attorney(s):** Brian W. Colistra; Fitzpatrick & Hunt, Pagano, Aubert, LLP; White Plains, NY, for Ryan Slavin, John Gazzola, Douglas Newhook, Lolas Stamford, LLC, Butterfield 8 Stamford, LLC, Public House Investments, LLC  
William T.J. Salerno; Fitzpatrick & Hunt, Pagano, Aubert, LLP; White Plains, NY, for Ryan Slavin, John Gazzola, Douglas Newhook, Lolas Stamford, LLC, Butterfield 8 Stamford, LLC, Public House Investments, LLC

## **Facts:**

On Oct. 20, 2012, plaintiff Lauren E. Marsteller, 25, was terminated from her job as an events coordinator for Butterfield 8, Lola's Mexican Kitchen and Public House Investment, a network of bars and restaurants in Stamford. She had worked at the job since May 14, 2012.

Marsteller sued Butterfield 8 Stamford, LLC, Public House Investments, LLC and Lolas Stamford, LLC, their owner John Gazzola, and employees Douglas Newhook (general manager) and Ryan Slavin (assistant general manager). She alleged violation of Title VII of the Civil Rights Act of 1964, violation of the Connecticut Fair Employment Practices Act, retaliation, intentional infliction of emotional distress, unreasonable intrusion upon the seclusion of another and the unreasonable publicity of private facts. She also claimed she was not paid for overtime she worked during her employment and was improperly classified as an exempt salaried employee in violation of the Fair Labor Standards Act and Connecticut General Statutes.

Marsteller alleged she was unlawfully terminated after complaining of a hostile work environment. She claimed she was subjected to a variety of sexual images, practices and behavior within the workplace during her employment. She alleged there were repeated postings of images of male genitalia in the workplace, discussions regarding sex and sexual subjects in her presence, and being the subject of lewd gawking and comments from co-workers, including on one occasion an alleged poll among the security staff regarding whether she was wearing underwear. She also asserted that there was an ongoing practice of managers and staff members changing their clothes in her presence in the basement office where she was assigned to work. Marsteller also claimed that a surveillance video of her changing her clothes in the offices was viewed by at least one manager and one co-worker against her explicit requests.

The defense contended that Marsteller's claims were fabricated and inconsistent and that she only made complaints of a hostile work environment and sexual harassment after she was terminated due to poor job performance, as detailed in emails presented at trial. Also, the defense maintained that Marsteller was a salaried employee who set her own hours and never worked more than 40 hours per week and, as such, she was not entitled to overtime pay.

The defense denied that the video of Marsteller in a state of complete undress was ever viewed or made public. The defense further denied that Marsteller's seclusion was intruded upon, contending that she had no reasonable expectation of privacy after changing in a room she knew to be under video surveillance.

The defense reportedly admitted that no sexual harassment training was ever conducted in the bars/restaurants. Also, defense witnesses reportedly conceded to the existence of numerous inappropriate images of male genitalia and sexualized comments in the workplace, but argued that they were not sufficiently severe or pervasive under the law.

The defense presented testimony from three former female employees of the bar who reportedly corroborated

defense assertions that the atmosphere was professional; ownership and management provided a safe environment; and any conduct in the bar did not rise beyond ordinary horseplay, nor was it extreme or pervasive.

## **Injury:**

Marsteller claimed she suffered emotional distress as a result of a hostile work environment and sexual harassment. She sought compensatory damages for mental pain and suffering, humiliation, indignation, anxiety, stress and depression. She claimed lost wages due to an inability to find comparable employment for two years after her termination. Further, she maintained that her experiences left her depressed, distrustful and unable to engage in her pre-employment social life.

Marsteller alleged she avoided "downtown" Stamford, as the area where Butterfield 8 was located became a "trigger" that left her with a pit in her stomach. She alleged that concern over the potential public release of the video caused her anxiety that manifested in her occasionally searching revenge sites on the internet.

The defense contended that Marsteller did not seek medical or therapeutic intervention to address her claims of emotional distress. The defense further asserted that Marsteller's post-incident activities were not consistent with a person suffering from emotional distress rooted in sexual harassment. The defense brought forth evidence at trial showing that Marsteller periodically updated her Facebook page with images showing her socializing at bars and restaurants in downtown Stamford, including one located next door to the defendants' bar.

## **Result:**

The jury found for the defendants on the hostile work environment, retaliation and unreasonable intrusion upon seclusion claims and also that the defendants proved that Marsteller was an exempt employee. As a result, a defense verdict was entered.

## **Trial Information:**

**Judge:** Alvin W. Thompson

**Trial Length:** 11 days

**Trial  
Deliberations:** 5 hours

**Jury Vote:** 8-0

**Jury** 5 female/ 3 male  
**Composition:**

**Editor's Comment:**

This report is based on information that was provided by plaintiff's and defense counsel.