

Class action lawsuit claims Dinosaur Bar-B-Que doesn't pay fair wages to tipped workers



The original Dinosaur Bar-B-Que at Franklin and Willow streets in Syracuse *(Dennis Nett | dnett@syracuse.com)*

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By [Don Cazentre | dcazentre@syracuse.com](#)

A New York City law firm says it has filed a class action lawsuit accusing the Syracuse-based Dinosaur Bar-B-Que chain of failing to pay its tipped workers fair wages.

The suit claims Dinosaur failed to properly use the "tipped credit" provision in federal law, which requires employers to make up the difference between tips and pay to meet minimum wage standard. It also says Dinosaur required tipped employees to spend more than 20 percent of their work day doing "side work," which includes setting up dining areas, for which they do not get tipped. The suit says workers should be paid minimum wage for that work.

The suit also claims Dinosaur failed to properly pay overtime wages, "misappropriated" tips belonging to the tipped workers, wrongly required tipped workers to share tips with managers for large events and failed to properly pay workers for shifts exceeding 10 hours. The suit also claims Dinosaur failed to keep accurate records of tips and wages.

The **lawsuit** was filed Thursday in federal court in New York City by the Fitapelli & Schaffer law firm, according to the firm's web site. It says it seeks to represent "servers, bussers, runners, bartenders" and other tipped employees.

The firm has filed similar lawsuits against companies like Chipotle Mexican Grill and TGI Fridays. It says on its web site its practice focuses on "recovering unpaid wages for clients in financial, banking, and food service industries."

The suit names Dinosaur Restaurants, LLC, JLN-Store, Inc. (also known as Dino-Store, Inc.), Soros Strategic Partners LP, and John Stage as defendants. The lawsuit specifically focuses on the company's New York state restaurants: Syracuse, Rochester, Buffalo, Troy, Harlem and Brooklyn.

Dinosaur also operates restaurants in Connecticut and New Jersey, with others under development in Chicago (expected to open next month) and Baltimore. It is **attempting to open one in Indianapolis.**

Stage could not be reached for comment.

Stage **founded the Dinosaur in 1988** with some biker buddies and investors after years of cooking for biker events. In 2008, a majority stake in the company was **sold to a company controlled by billionaire financier George Soros.**

Late last year, it formed a **"back office" partnership** with a chain of barbecue restaurants in the South called Jim 'n Nicks.

As is typical with class action lawsuits, the firm in this case is asking anyone who believes he or she was affected to **contact them.**