

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

Allegheny

County

For Prothonotary Use Only:

Docket No:

Law 1/1/11

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- Complaint
 Writ of Summons
 Petition
 Transfer from Another Jurisdiction
 Declaration of Taking

Lead Plaintiff's Name:
Gateway Grill, Inc.

Lead Defendant's Name:
Brittney M. Davenport

Are money damages requested? Yes No

Dollar Amount Requested: within arbitration limits
(check one) outside arbitration limits

Is this a *Class Action Suit*? Yes No

Is this an *MDJ Appeal*? Yes No

Name of Plaintiff/Appellant's Attorney: Ryan James

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

SECTION B

TORT (do not include Mass Tort)

- Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (does not include mass tort)
 Slander/Libel/ Defamation
 Other: _____

CONTRACT (do not include Judgments)

- Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other

 Employment Dispute: Discrimination
 Employment Dispute: Other

 Other:

CIVIL APPEALS

- Administrative Agencies
- Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other

 Zoning Board
 Other:

MASS TORT

- Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other:

REAL PROPERTY

- Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other:

MISCELLANEOUS

- Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations Restraining Order
 Quo Warranto
 Replevin
 Other:

PROFESSIONAL LIABILITY

- Dental
 Legal
 Medical
 Other Professional:

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

GATEWAY GRILL, INC., KEVIN E.
McFADDEN, and MICHAEL BARRETT,

Plaintiffs,

v.

BRITTNEY M. DAVENPORT,

Defendant.

JURY TRIAL DEMANDED

CIVIL DIVISION

GD NO. _____

Code 008 – Trespass/Defamation

TYPE OF PLEADING:

COMPLAINT

Filed on behalf of Plaintiffs,
Gateway Grill, Inc., Kevin E. McFadden and
Michael Barrett

Counsel of Record for this Party:

Ryan James
Pa. I.D. #82799

GALANTER TOMOSOVICH, LLC

Frick Building – Suite 1000
437 Grant Street
Pittsburgh, PA 15219

(412) 802-2690

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

GATEWAY GRILL, INC., KEVIN E.
MCFADDEN, and MICHAEL BARRETT,

CIVIL DIVISION

GD NO. _____

Plaintiffs,

v.

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Defendant.

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
THE ALLEGHENY COUNTY BAR ASSOCIATION
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 261-5555

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

GATEWAY GRILL, INC., KEVIN E.
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CIVIL DIVISION

GD NO. _____

Plaintiffs,

v.

BRITTNEY M. DAVENPORT,

Defendant.

COMPLAINT

Plaintiffs Gateway Grill, Inc., Kevin E. McFadden and Michael Barrett, by their undersigned counsel, file this Complaint against Defendant Brittney M. Davenport, averring as follows:

PARTIES

1. Plaintiff Gateway Grill, Inc. ("Gateway Grill") is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with its principal place of business located at 4251 Northern Pike, Monroeville, Pennsylvania 15146.

2. Plaintiff Kevin E. McFadden ("McFadden") is an adult individual and resident of the Commonwealth of Pennsylvania. McFadden is the sole owner and President of the Gateway Grill.

3. Plaintiff Michael Barrett ("Barrett") is an adult individual and resident of the Commonwealth of Pennsylvania. Barrett is the General Manager of the Gateway Grill's restaurant.

4. Defendant Brittney M. Davenport (“Davenport”) is an adult individual and resident of the Commonwealth of Pennsylvania, residing at, upon information and belief, 1250 Renton Road, Plum Borough, Pennsylvania 15239.

FACTUAL BACKGROUND

5. Since 2000, the Gateway Grill has operated a popular American grill and sports bar (the “Restaurant”) at its location in Monroeville, at which it currently employs approximately 60 full and part-time employees.

6. For parts of approximately 6 years, Gateway employed Davenport as a dine-in table server and tipped employee at its Restaurant, and she was paid the cash minimum wage (\$2.83 per hour) plus customer tips.

7. On March 6, 2020, Governor Tom Wolf issued a Proclamation of Disaster Emergency as a result of the COVID-19 virus.

8. On March 19, 2020, Governor Wolf issued an Order requiring all non-life sustaining businesses in the Commonwealth, including restaurants and bars, to cease operation and close all physical locations, which was extended by further Order dated April 1, 2020.

9. Under Governor Wolf’s Orders, all restaurants and bars were ordered to close their dine-in facilities, and Gateway Grill was limited to carry-out, curbside pick-up, and delivery.

10. The closure of dine-in facilities was only recently partially lifted when Allegheny County was transitioned to the Green Phase on June 5, 2020.

11. As a result of the COVID-19 Orders and the loss of customers caused by the mandatory closure of the Restaurant’s dine-in operations, and to assist its employees, the Gateway Grill raised all table servers’ pay (including Davenport) to the standard minimum wage of \$7.25 per hour plus a share of tips for carry-out, curbside pick-up and delivery services.

12. On or around May 21, 2020, it was brought to the Gateway Grill's attention that, due to a clerical error through its payroll processor, Automatic Data Processing, Inc. ("ADP"), paychecks issued to certain servers reflected the pre-COVID-19 \$2.83 per hour cash minimum wage as opposed to the newly- implemented \$7.25 standard minimum wage.

13. The Gateway Grill and ADP immediately corrected the error and issued new paychecks to the affected employees.

14. For inexplicable reasons, Davenport seized upon the clerical error and commenced a widespread online campaign designed to defame and disparage the Gateway Grill, McFadden and Barrett, and maliciously destroy their business and professional reputations.

15. Beginning in at least May 2020, Davenport published false, defamatory and disparaging statements concerning the Gateway Grill, McFadden and Barrett on Facebook pages maintained by, among others, Davenport, the Gateway Grill and the Plum Community. (Copies of specific examples of the false, disparaging and defamatory postings published by Davenport are collectively attached as Exhibit 1.)

16. Specifically, in May and June 2020, Davenport intentionally published numerous false, defamatory and disparaging statements concerning the Gateway Grill, McFadden and Barrett, falsely stating, among other things, that they: (a) engaged in corrupt practices; (b) committed tax fraud; (c) committed tip misappropriation; (d) were underpaying employees; (e) refused to issue paychecks to employees; and (f) engaged in unsafe procedures during the COVID-19 pandemic. (Ex. 1.)

17. Davenport also intentionally published numerous false, defamatory and disparaging statements concerning the Gateway Grill, McFadden and Barrett by painting false statements on the windows of her vehicle declaring that the Gateway Grill, McFadden and Barrett

have engaged in discrimination, tax fraud and tip misappropriation, photographs of which Davenport posted to various Facebook pages. (Copies of the Facebook postings containing photographs of Davenport's vehicle are collectively attached as Exhibit 2.)

18. Shortly after May 22, 2020, after learning of Davenport's publication of the false, defamatory and disparaging statements, the Gateway Grill terminated Davenport's employment.

19. Since her termination, Davenport has continued to publish false, defamatory and disparaging statements concerning the Gateway Grill, McFadden and Barrett on various Facebook pages and otherwise, which false statements have been republished by numerous third parties.

20. In addition, on May 26, 2020, Davenport appeared at the Gateway Grill's premises with her husband Gregory Davenport and an acquaintance known as "Jason" to "ambush" and verbally and physically threaten McFadden and Barrett, which resulted in an employee of the Gateway Grill having to place an emergency call to the Monroeville Police Department. (*See Ex. 1.*)

21. Davenport's false, defamatory and disparaging statements are intended to attack the business and professional reputations of the Gateway Grill, McFadden and Barrett, and are maliciously designed to harm the Gateway Grill's business.

22. Davenport's false, defamatory and disparaging statements have caused harm and irreparable damage to the Restaurant's goodwill and customer and employee relationships. (*See Ex. 1.*)

23. Davenport's false, defamatory and disparaging statements have injured the Gateway Grill, McFadden and Barrett in their business and professional reputations so as to lower them in the estimation of customers and potential customers, and deterred third persons, including, without limitation, potential new employees, from dealing with them.

injunctive relief, interest and costs, and all such additional relief that the Court deems necessary and proper.

COUNT II – DEFAMATION
(GATEWAY GRILL, McFADDEN AND BARRETT V. DAVENPORT)

32. The averments of paragraphs 1 through 31 are incorporated by reference as if fully set forth herein.

33. As averred herein, the statements published by Davenport are baseless, wholly false and defamatory.

34. The false and defamatory statements made by Davenport apply to the Gateway Grill, McFadden and Barrett, and were published to numerous third parties, without privilege.

35. The false and defamatory statements made by Davenport and published to numerous third parties, were further republished to additional third parties, without privilege.

36. The false and defamatory statements published by Davenport involve words directly accusing the Gateway Grill, McFadden and Barrett of business and professional misconduct.

37. The false and defamatory statements published by Davenport ascribe to the Gateway Grill, McFadden and Barrett conduct and character that would adversely affect their fitness for the proper conduct of their business, trade and profession.

38. The statements published by Davenport concerning the Gateway Grill, McFadden and Barrett are false and defamatory in character and constitute defamation per se as they are statements that impute business misconduct.

39. The false and defamatory statements published by Davenport were made with actual malice because she acted with knowledge that her statements were false.

40. The false and defamatory statements published by Davenport concerning the Gateway Grill, McFadden and Barrett have impaired their business, professional and personal reputations and standing in the community, and deterred third persons from associating or dealing with them.

41. As a direct and proximate result of Davenport's publication of the false and defamatory statements, the Gateway Grill, McFadden and Barrett have sustained actual harm, including, without limitation, injury to their business, professional and personal reputations and standing in the community, as well as humiliation, emotional distress, mental anguish and suffering.

42. Davenport's conduct was malicious, outrageous, willful and oppressive because of her vengeful personal motive and/or reckless indifference to the Gateway Grill, McFadden and Barrett's rights.

WHEREFORE, the Gateway Grill, McFadden and Barrett demand judgment in their favor and against Davenport for damages in an amount in excess of the jurisdictional limits of this Court, punitive damages, injunctive relief, interest and costs, and all such additional relief that the Court deems necessary and proper.

**COUNT III - TORTIOUS INTERFERENCE WITH EXISTING AND PROSPECTIVE
CONTRACTUAL AND BUSINESS RELATIONSHIPS
(GATEWAY GRILL V. DAVENPORT)**

43. The averments of paragraphs 1 through 42 are incorporated by reference as if fully set forth herein.

44. The Gateway Grill has existing and prospective contractual and business relationships with its employees, potential employees, customers, potential customers, and the community at large.

Brittney Davenport is at Gateway Grill.

1hr · Michaela · 🌐

Letting the people know. When they think they are leaving a tip for servers making \$3.83 an hour Mike Barrett is taking that money and giving it to his cooks to pay part of their salaries. And he REFUSES to answer my question of WHO THE FLICK IS CLAIMING and PAYING TAXES on that money?? I already figured out the answer. Your entire female staff you sick disgusting pig!!!!!!

EDITED to add: ***** I give ZERO fucks!!! I spoke with Pat Thomassey this AM regarding these concerns. Unfortunately, as I have suspected, he has represented Kevin McCladden in the past and therefore could only wish me the best in finding other legal council. Who would have think that this skeezball would have already had the best criminal defense attorney in western PA already retained. I can now only hope that pat thomassey will refuse to defend this pig when my self and a group of some of the hardest working FEMALES I have ever known take his ass to court.

as is in a global pandemic guys, and his doors are still unlocked and these pigs are still making these gals claim money that the man are taking home



1 hr · 1 response

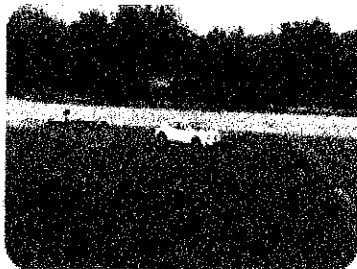
👍 Like

💬 Comment

🔗 Share



Brittney Davenport



👍 Like Reply 11



Brittney Davenport



👍 Like Reply 11



Joy Farby

Why would you speak to a criminal defense attorney if you're wanting to prosecute



👍 Like Reply 11



Lovey Cecere

Won't be going there!

👍 Like Reply 11



Abbi Schlanger

Lovey Cecere that's exactly what i said non!



Paul Whodunit Hudyma
WPXI-TV Pittsburgh

Like Reply · 1h 3



Judi Yurko
Report him to dept of labor...wage and hour division

Like Reply · 1h 2



Joseph Stairberg
So who do you plan on taking to court? Mike Barrett?
Kevin McFadden? or Gateway Grill as a company?

Like Reply · 44m



Kristin Hillwig
Joseph Stairberg burn it all down.

Like Reply · 21m



Lea Keeney
I would refrain from posting too much on social media
he could get you for slander and have proof of it on
social media ..go thru the proper channels..when you go
to Warren you dont let the enemy know your plans..good
luck ladies

Like Reply · 30m 2



Boyd Allen
Lea Keeney ..if it's true it ain't slander

Like Reply · 1m



Panda Snow
I do not buy from that shitstain restaurant and never will.
I always got a sexist vibe from there and now i know why.

Like Reply · 5m




Les Moore
bring them down, I didn't like Mac in high school, a bit
too full of himself.

Like Reply · 1m




Write a comment...




 **Douglass Scot Baralro**
Brittney Davenport email Marty Griffin... on kdka,
he used to report on stuff like this back when he
was on the news

Like Reply 1/m

 Write a reply...    

 **Nikki Sutton**
I briefly worked for him n Kno first hand how bad he
treats his female employees!! It's disgusting!! He
deserves to loose every bit of business!!


Like Reply 7h

 **Megan Trainor**
Yea he is a POS when I worked there I worked day light I
stared back to school so I needed to change my schedule
to nights.. he told me no I had to quit if I couldn't work..
he treats women horrible


Like Reply 2h

 **Lindsay Heidenreich**
Linda Kelly Gaydos


Like Reply 2h

 **Lindsay Heidenreich**
You should have him audited


Like Reply 2h

 **Brittney Davenport**
Lindsay Heidenreich like they were 4 months ago?
It's corrupt. It's big..


Like Reply 2h

 **Keith Greenberg**
i thought you quit like right around when i did. but i dont
doubt such sleazy shitty practices going down
there....like at all. but its surprising it was mike doing and
not one of the other ones. not naming names but you
know who im talking about, if ... [See More](#)

Like Reply 1h Edited

 **Susan Duncan**
Is this the blonde guy


Like Reply 1h

 **Rachele Marie**
Be careful what you post. I know you're angry and you
have every right to be - but just be careful what you post
on the internet

Like Reply 1h

 **Rachele Marie**
Also #ClassActionLawsuit

Like Reply 1h

 **Jessica Lynn**
Omg thats terrible! What a sleeze ball!! I'm so sorry that
you've been put through this.

Like Reply 1h



Like · Reply · 2h

5

Brent Heiser

Brittney Davenport 🗨️ 🗨️ 🗨️ 🗨️ 🗨️

Like · Reply · 2h

Kevin James Hughes

Brent Heiser not true .if you have both side mirrors you dont need a back window at all . You can psint it ..which I have done in the past.

Like · Reply · 16m

Brent Heiser

The more I know. Last time I got pulled over the cop said he could fine me for a sticker on my back windshield. Maybe he was just playing Mr. Big Dick that day

Like · Reply · 6m

Write a reply...



Valerie DeRiso

you should sit in the parking lot with a sign and call the news

Like · Reply · 7h

1



Brittney Davenport

Valerie DeRiso I'm banned. I've been driving around with advertisements

Like · Reply · 7h

5



Valerie DeRiso

did u call the news

Like · Reply · 2h



Brittney Davenport

Valerie DeRiso no

Like · Reply · 2h



Jessica Kendall

yes the news is always a good outlet when dealing with sleazeballs like this. He can hide behind lawyers but if this goes more public, then he can't stop it.

Like · Reply · 2h

4



Kristin Casper

Brittney Davenport yes call news!!! Lots of lawyers will jump on!

Michael Erosenko Arashinko
Didn't monroeville PD get involved ?

Like Reply · 1h

Brittney Davenport
Michael Erosenko Arashinko cuz the sleezball wouldn't give me my paycheck. That paycheck that I need to add to my stack of proof of how hard he is fucking us girls

Like Reply · 1h

Michael Erosenko Arashinko
Brittney Davenport can you file a complaint with the DA's office against him ?

Like Reply · 1h

Brittney Davenport
I've filed so many complaints idk. May have already done one lmao

Like Reply · 1h

Write a reply...



Frank Anthony
Julie? Not sure if in your wheelhouse?

Like Reply · 3h

Julie Catherine
Not even a little. Thanks for thinking of me though!

Like Reply · 1h

Frank Anthony
Yea, I didnt know what you exactly handled

Like Reply · 53m

Brent Heiser
Movie this over a bit more behind the driver side. If a cop wanted to be a dick, they could be about it. I heard about the stickers on my old car.


Like Reply · 3h


Brittney Davenport
Brent Heiser hows this





Like Reply · 7h





 **Shay Anderson**
He is a weirdo 🗨️ 1
Like Reply 4h


 **Emilia Kauric**
🗨️ 1
Like Reply 4h

 **Nikki Sutton**
Make this sharable plz 🗨️ 2
Like Reply 3h


 **Brittney Davenport**
Nikki Sutton I think I did
Like Reply 3h

 **Michael Erosenko Arashinko**
Didn't monroeville PD get involved?
Like Reply 3h


 **Brittney Davenport**
Michael Erosenko Arashinko cuz the sleezball
wouldn't give me my paycheck. That paycheck that
I need to add to my stack of proof of how hard he
is fucking us girls
Like Reply 3h


 **Michael Erosenko Arashinko**
Brittney Davenport can you file a complaint with
the DA's office against him?
Like Reply 3h

➔ View 1 more reply

 **Frank Anthony**
Julie? Not sure if in your wheelhouse?
Like Reply 3h

 **Julie Catherine**
Not even a little. Thanks for thinking of me though! 🗨️ 1
Like Reply 1h

 **Frank Anthony**
Yea, I didnt know what you exactly handled
Like Reply 57m

 **Brent Heiser**
Movie this over a bit more behind the driver side. If a cop
wanted to be a dick, they could be about it. I heard about
the stickers on my old car.
Like Reply 2h

 Emilia Kauric and 70 others 46 Comments 55 Shares

 Like  Comment  Share



Jay Schirm

Yea that dude is a piece of shit. Even worse how he treats his female servers. I used to hear horror stories when I dated Ashley. I wanted to walk in and rock that dude

Like Reply · 4h   4



Justin Colbaugh

Jay Schirm I'll come with you.. I hate this dude and I've heard the same stories from numerous other females that work and worked there.

Like Reply · 1h  2



Brittney Davenport

Jay Schirm Ashley's already texted me. It's sad and disgusting and everything isn't even out yet

Like Reply · 1h  1



Brittney Davenport

Greg and Jason fucking ambushed him when he refused to give me my paycheck. Just like him and Kevin did to a female server. Why is it okay to have a female server in a LOCKED office with 2 grown ass men while they "discipline" her

Like Reply · 1h   4




Kristin Hillwig

Mike is definitely a creep I've seen him in past at the Luna. Dish washers got paid cash there too! The jerk trying to take my hours, pull a raise 6 months after giving it and paying (part off paper) left a while back but it was still an offer in 2018 but better 14/hr all off!
Now that I know how that was happening it pisses me off more!

Like Reply · 12m Edited



Jay Schirm

Justin Colbaugh if I knew I wouldn't lose my job over it I would. 

Like Reply · 1m  1



Joanna Wentling

The office.

Brittney Davenport
Justin Kaminsky trust me when I say every single female that is on the schedule now besides maybe 2, are pushing for me to be posting shit like this.

Like Reply · 2h

Justin Kaminsky
Brittney Davenport fair enough...I merely was asking because we haven't gone since we heard of this and I was wondering if like we almost should so that they don't get burned more than they already have

Like Reply · 2h

Brittney Davenport
How about, everyone who you would assume your tip is going to, is being made to give half o it away and claim it on their pay anyway. NO ONE WANTS TO BE THERE. I'm doing this because I've contacte everyone I needed to contact last week. But they have 2 Weeks to investigate. And I'm the meantime, Kevin gets to keep his doors unlocked, continuing to have females pay his men's wages while claiming it on their pay.

Like Reply · 2h

Brittney Davenport
Justin Kaminsky understandable. Thanks for asking but I would suggest not

Like Reply · 2h Edited

Mary Brunson
Justin Kaminsky

Like Reply · 1h

Justin Kaminsky
Mary Brunson yes? Lol

Like Reply · 1h

Mary Brunson
Yes

Like Reply · 1h

Justin Kaminsky
Mary Brunson I am confusion haha

Like Reply · 1h

Mary Brunson
Me too

Like Reply · 1h

Justin Kaminsky
Mary Brunson

Like Reply · 1h

Brittney Davenport
Justin Kaminsky me too guys, me too.

Like Reply · 1h

Justin Kaminsky

So I'm honestly curious...I'm not debating anything you're saying or trying to counter it...I am merely curious...the outrage (if true) is valid and he deserves to pay...but encouraging people to not eat there doesn't that hurt the servers who are already being hurt?

Like Reply 2h

~ Hide 14 Replies

Brittney Davenport

Justin Kaminsky it absolutely does!! And those are not only my coworkers, but my FRIENDS. And thank you for asking and not assuming, but they have heard the tears I've cried and they believe me when I say justice will prevail. I've been crying for weeks. Not only for us servers but for the cooks who again, are more than coworkers. They are my friends. So why would they not be mad at me??? Because they have lived it. They see day in and day out how we are treated and what goes down behind the scenes. I'm not just doing this for the servers. Although hard to believe, there are a handful of cooks I am doing this for as well. And they know it. And honestly, that's really all that I can focus on right now. Because at the end of the day, your right, ALOT of people/ families are going to suffer from this. But *most* are thanking me. But yes, thanks for asking... next question

Like Reply 2h

Justin Kaminsky

Brittney Davenport I meant no offense...I am not even accusing or saying anything by it...I merely meant like does advertising and posting like this hurt the people still working? I showed my fiancé cause we love gateway grill and obviously (both of us used to be servers) don't agree with what he's doing but we almost wanted to go because the more people see this the less that will go and hurt the servers more than they already have been

Like Reply 2h

Brittney Davenport

Justin Kaminsky also, it seems your focusing on the stolen money in question. I'm not doing this for the money, I'm doing it for the years of mental abuse his entire staff, Females and MALES have faced, some for 20 years

Like Reply 2h

Brittney Davenport

Justin Kaminsky trust me when I say every single female that is on the schedule now besides maybe 2, are pushing for me to be posting shit like this.

Like Reply 2h



Brittney Davenport ▶ Gateway Grill

25 mins · 🌐

I hope this post finds it way to many of my loyal regulars/ friends that come to visit me at the grill. Unfortunately, after discovering some unlawful tip claimage and some major federal tax fraud by management on us server paychecks, I was fired this AM. I hope you all get to read this first hand and don't hear some bullshit story about why I'm no longer there. The reason is because after years and years of verbal and mental abuse at the hands of mike barrett, under the order of Kevin mcfadden, I finally decided to stand up for not only myself, but the rest of the girls that have been manipulated, abused, overworked and over taxed. During this pandemic, 3 girls have now been fired for questioning why our manager is claiming hundreds of dollars that we servers were made to turn over to cook. It's been a whirlwind guys and I'm gona miss you all!

< Notes



May 22, 2020 at 5:42 PM

Gateway grill

4251 northern pike

Monroeville PA 15146


Gateway Grill has been taking tips earned by servers and giving it to cooks. And claiming it on the servers paychecks. During this pandemic they have decreased servers pay who are currently working in take out positions from \$7.25/hr to \$2.83/hr without telling their servers. Gateway grill has been claiming almost double the amount of tips the "servers" have been taking home, but yet making sure they are the ones who pay taxes on the cooks



<  **Brittney Davenport**
4 hrs · 🌐



How many of y'all were afraid to share this due to fear it may not be true?? Well, Mike Barrett just confirmed all of my suspicions when he sat there like a dog with his tail between his legs this morning when I went in questioning him about said 9999 tips. Shout out to MONROEVILLE police for having my back and not holding this cowardly corrupt bastard on a pedestal. 🙄

 **Erin Richards**
Friday at 5:50 PM · 🌐

PLEASE EVERYONE SHARE THIS!!!! THIS IS COMPLETELY RIDICULOUS, UNETHICAL, POOR BUSSINESS, AND UNFAIR TO THESE SERVERS WHO ARE WORKING THEIR BUTTS OFF!!!!!!!! MAKE THIS GO ALL OVER THE INTERNET!!!! GATEWAY GRILL, MONROEVILLE PA.

< Notes



May 22, 2020 at 5:42 PM

Gateway grill

4251 northern pike
Monroeville PA 15146

Gateway Grill has been taking tips earned by servers and giving it to cooks. And claiming it on the servers paychecks. During this pandemic they have decreased servers pay who are currently working in take out positions from \$7.25/hr to \$2.83/hr without telling their servers. Gateway grill has been claiming



Write a comment...





Brittney Davenport

May 27 at 3:35 PM · 🌐



Brandi Leigh

Justin Kaminsky Brittney Davenport

Justin use to work with me. I can assure you, Justin, that this is very real.

Brittney is my sister and I've heard all the horror stories over the years about the GM and owner. I was on the phone with Brittney when she was being screamed at and fired over asking questions as to "who's claiming the tips that the cooks are getting." She's taking a stand for ALL the employees that work there. I think most are afraid to speak out in fear of retaliation. She is being encouraged to keep speaking out.

2w Like Reply



Justin Kaminsky

Brandi Leigh I don't doubt it honestly one bit that's not what I meant at all so I am genuinely sorry if it came off that way...if the servers were getting screwed over I honestly only meant if people stop going would that hurt worse ya know

2w Like Reply



Brittney Davenport

Justin Kaminsky no, it wouldn't. And I don't have the energy to explain. I don't mean to sound like a dick. I know you



Brittney Davenport is at Gateway Grm.

May 27 at 1:45 PM · Monroeville · 🌐



Brittney Davenport

Benjiman J Gentile I don't show up for work??? **Stefanee Rae** come get your brother dude, he's making an asshole out of himself on social media 😂😂😂

2w Like Reply



Brittney Davenport

Benjiman J Gentile yes please!!

2w Like Reply



Benjiman J Gentile

Brittney Davenport ain't none of us have time to argue with you. Not sure how I'm making an ass outta myself, obviously my info had to come from there since i don't even live in the same damn county

2w Like Reply



Brittney Davenport

Benjiman J Gentile you started on my post.. 😂 we all know that I have the time.. cuz I don't have a fucking job. For asking mike why I am being taxed on money the cooks are takin home .

2w Like Reply



Benjiman J Gentile

Brittney Davenport say what you want, i



Brittney Davenport is at **Gateway Grill**.

May 27 at 1:45 PM · Monroeville · 🌐



Brittney Davenport

Anna Marie Fedel did you ask if I've retained council and weather or not they were concerned with my social media posts??! Because if your on my side, maybe you shouldn't have started with a condescending comment

1w Like Reply



Anna Marie Fedel

Brittney Davenport omg...who's manipulative now miss psychiatry....educated smart yes...naive yes...🙄 done

1w Like Reply



Brittney Davenport

I'm not JUST going blasting over social media sitting back hoping for him to go out of business by word of mouth. I've contacted enough departments and filed complaints to cover every issues going on at gateway grill.... before I was even fired from my job. It takes time. People get to investigate and this and that. And in the meantime his loyal customers aren't hearing him screaming at girls saying they do nothing other than hand over a fucking pizza and the cooks deserve our tips.

1w Like Reply





Brittney Davenport is at **Gateway Grill**.

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1w Like Reply



Anna Marie Fedel

Brittney Davenport they have a good breakfast....the pizza there isn't that good anyway...way over priced...js

1w Like Reply



Brittney Davenport

Anna Marie Fedel I'm a breakfast server.. I mean was. I'm sure I've waited on you before. Just know where your tip money is going

1w Like Reply



Anna Marie Fedel

Brittney Davenport I support you



Brittney Davenport is at Gateway Grill.

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Brittney Davenport

Anna Marie Fedel I'm a breakfast server.. I mean was. I'm sure I've waited on you before. Just know where your tip money is going

1w Like Reply



Anna Marie Fedel

Brittney Davenport I support you Brittney...I can empathize what you went through...after working for a company for 27 years ...I resigned from this company who treats their employees with no regard but to only what was in their best interest...I will never show up there again...good luck to you dear...💕

1w Like Reply



Write a reply...



Ashley Claybourne

Dennis Rafferty... Best lawyer ever

2w Like Reply



Brittany Fitzpatrick

There is a very good public defender, all I know is his last name and it's Capone. I can't remember his first name though. He is a damn good PD....

2w Like Reply



Brittney Davenport

May 27 at 3:35 PM · 🌐



Justin Kaminsky

Brittney Davenport I meant no offense...I am not even accusing or saying anything by it...I merely meant like does advertising and posting like this hurt the people still working? I showed my fiancé cause we love gateway grill and obviously (both of us used to be servers) don't agree with what he's doing but we almost wanted to go because the more people see this the less that will go and hurt the servers more than they already have been

2w Like Reply



Brittney Davenport

Justin Kaminsky also, it seems your focusing on the stolen money in question. I'm not doing this for the money. I'm doing it for the years of mental abuse his entire staff, Females and MALES have faced, some for 20 years

2w Like Reply



Brittney Davenport

Justin Kaminsky trust me when I say every single female that is on the schedule now besides maybe 2, are pushing for me to be posting shit like this.



Brittney Davenport

Justin Kaminsky trust me when I say every single female that is on the schedule now besides maybe 2, are pushing for me to be posting shit like this.

2w Like Reply



Justin Kaminsky

Brittney Davenport fair enough...I merely was asking because we haven't gone since we heard of this and I was wondering if like we almost should so that they don't get burned more than they already have

2w Like Reply



1



Brittney Davenport

How about, everyone who you would assume your tip is going to, is being made to give half o it away and claim it on their pay anyway. NO ONE WANTS TO BE THERE. I'm doing this because I've contacte everyone I needed to contact last week. But they have 2 Weeks to investigate. And I'm the meantime, Kevin gets to keep his doors unlocked, continuing to have females pay his men's wages while claiming it on their pay.



Brittney Davenport is at Gateway Grill.

May 27 at 1:45 PM · Monroeville · 🌐



Benjiman J Gentile

Brittney Davenport tell her yourself. So wrong what you're doing, haven't even worked in a month then u do this to people that need to pay their bills. Absolutely disgusting

2w Like Reply



Brittney Davenport

Benjiman J Gentile also need to state... I'm sticking up for her also, mike has fucked her harder than anyone else, weather she realizes it yet or not. He has manipulated and abused her for 12 years while she gave him every fucking thing she had in her while on his clock. And I'm gaurenteeing you was stealing from her before making her a supervisor

2w Like Reply



Brittney Davenport

Benjiman J Gentile your posting things that you don't know. I've talked to your sister. Would you like me to post screen shots of your sisters and I personal conversation? Or maybe perhaps try asking stef first

2w Like Reply



Benjiman J Gentile



Susan Johnson

Yesterday at 11:04 PM · 🌐

As many of you know I don't stir up controversy but I will give my opinion when asked. Today my daughter Brittney Davenport stood up to a Company (Gateway Grill) that has verbally abused her and the other waitress and committed tax fraud. For years she has told me about the way her Manger Mike not only spoke to her but to many of the other servers. He has thrown items, swore, screamed and demear the waitress repeatedly and when I asked her why she didn't just quit she said the money was good and she loved her regulars and as long as she tried to stay clear of him it wasn't always that bad. NOT ALWAYS THAT BAD?!?! But I understood... I too had worked for a a**hole but... See More



Brittney Davenport ▶ Gateway Grill

Yesterday at 8:10 PM · 🌐

I hope this post finds it way to many of my loyal regulars/ friends that come to visit me at the grill. Unfortunately, after discovering some unlawful tip claimage... See More

<  brittney davenport


Posts People Groups Photos Videos Pages



Plum Community
Group · 6K members



Brittney Davenport (Brittney Gardner)

9 hrs ·  · I hope this post finds it way to many of my loyal regulars/friends that come to visit me at the Gateway grill. Unfortunately, after discovering...

   128

116 Comments 147 Shares

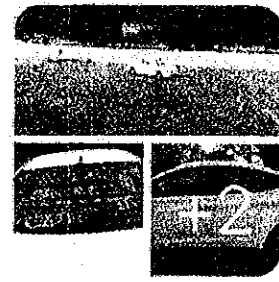


Plum Community
Group · 6K members



Brittney Davenport (Brittney Gardner)

29 mins · 🌐 · Photos from Brittney Davenport's post · We bought this beautiful property here in plum a little less than 4 years ago. We pretty muc...



👍👎👤 14

15 Comments 7 Shares

7:00



< Brittney Davenport



Amy Miller

8 hrs · 🌐

Brittney Davenport is a friend of mine, This is so sad & wrong. PLEASE STOP GOING TO THE Gateway Grill !!!! See above post !!!

👍👎👤 17

12 Comments 12 Shares

👍 Like

➦ Share


6:36



<  Brittney Davenport



Abbi Schlanger


2 hrs · 



Brittney Davenport is one of my very good friends, sister. she is a hard working person among the many people i've seen working there. that's a shame. money and power can really ruin people's lives smh.



Brittney Davenport is at Gateway Grill.

4 hrs · Monroeville · 

Letting the people know. When they think they are leaving a tip for servers making \$2.83 an hour/ Mike Barrett is Taking that money and giving it to... See More



3m Like



Lovey Cecere

Won't be going there!

56m Like



Abbi Schlanger

Lovey Cecere that's exactly what i said non!

56m Like



Tony Lowes

I posted it in a lot of places

6m Like



David Savko

HEY WHAT A FREAKING JAG OFF. TIME TO BOYCOTT THIS BUSSINESS...



brittney davenport

Yea that dude is a piece of shit. Even worse how he treats his female servers. I used o hear horror stories when i dated ashley. I wanted to walk in and rock that dude

1d Like Reply



Justin Colbaugh

Jay Schirm I'll come with you.. I hate this dude and I've heard the same stories from numerous other females that work and worked there.

1d Like Reply



Brittney Davenport

Jay Schirm Ashley's already texted me. It's sad and disgusting and everything isn't even out yet

1d Like Reply



Brittney Davenport

Greg and Jason fucking ambushed him when he refused to give me my paycheck. Just like him and Kevin did to a female server. Why is it okay to have a female server in a LOCKED office with 2 grown ass men while they "discipline"



Jay Schirm

Justin Colbaugh if i knew i wouldnt lose my job over it i would. 100

1d Like Reply



Joanna Wentling

The office. 😞 2

1d Like Reply



Jay Schirm

If this was my sister or daughter he would have been fucked up. Job or not

1d Like Reply



Brittney Davenport

Joanna Wentling now. Omg no one understands

1d Like Reply



Write a comment...



IS TUCKING US GIRLS

1d Like Reply



Michael Erosenko Arashinko



Write a comment...



9:51



Brittney Davenport is at Gateway Grill.

Yesterday at 1:45 PM · Monroeville · 🌐



Michael Erosenko Arashinko

Didn't monroeville PD get involved ?

1d Like Reply



Brittney Davenport

Michael Erosenko Arashinko cuz the sleezball wouldn't give me my paycheck. That paycheck that I need to add to my stack of proof of how hard he is fucking us girls

1d Like Reply

you should sit in the parking lot with a sign
and call the news

1d Like Reply



Brittney Davenport

Valerie DeRiso I'm banned. I've been
driving around with advertisements

1d Like Reply



Valerie DeRiso

did u call the news

1d Like Reply



Brittney Davenport

Valerie DeRiso no

1d Like Reply



Jessica Kendall

yes the news is always a good outlet
when dealing with sleezeballs like this.

He can hide behind lawyers but if this



Write a comment...



Yea that dude is a piece of shit. Even worse how he treats his female servers. I used o hear horror stories when i dated ashley. I wanted to walk in and rock that dude

1d Like Reply



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1d Like Reply



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< Brittney Davenport



understood... I too had worked for a a**hole but stayed because of the money. A few weeks ago Brittney and I were talking about her tips & her pay. If any of you have ever waitress before you know that you don't really ever get a pay check. You get paid \$2.83 per hour and you claim your tips. Gateway Grill had told their waitress not to claim their tips because some of the waitress weren't claiming enough so they would make sure they were claiming enough. Waitress typically claim all charge card tips and usually about 10% of their cash tips. Please remember a waitress doesn't walk out w your full 10-20% tip you leave them. In most cases They have to tip out the bartender, busboy etc. Their \$2.83 wage covers the amount they are taxed on your tips so they usually got a void check so most waitress never pay any attention to their paystubs. When Brit went back thru her old pay stubs she realized they where claiming WAY more then she actually made... in some cases double! The more she looked into this the more she found out what they were doing not only to her but to many if not all of the other waitress. During covid they were suppose to be making \$7.25 per hour and splitting what ever to-go tips among all the employees working.. including the cooks which she had no problem with. The problem was they lowered their wage from \$7.25 to \$2.83 and never told any off them and even thou cooks were receiving a portion of the tips management never reported that income on the cooks paychecks and claimed all of the money (which got taxed) onto the waitress. So once again they where claiming they made more tips then they actually did and they were/are paying the taxes on money that other employees received. Today my daughter walked into Gateway Grill with her head held high and confronted management. Today my daughter was fired for standing up for herself and all of the other waitress. Today my daughter left behind all of her regulars that she loved waiting on so much and left behind a job that she worked her as* off and made good money. Today just like every other day my daughter made me extremely proud to call her my daughter. Gateway Grill go F*** yourself!





Kyrsten McHenry

Friday at 11:14 PM · 🌐



Marissa Jeanne Stevens · 1d

Did you read through the original comments? It was fake news from a pissed off employee with a payroll error. There are 3-4 other employees on the original comments saying it's fake with actual facts



Kyrsten McHenry · 1d

Marissa Jeanne Stevens thank god. Yeah I know their friend lizzie I think works there. Thank god its fake. Cuz that place has amazing food



Brittney Davenport · 1d

Kyrsten McHenry no. It's actually fact.



Kyrsten McHenry · 1d

Brittney Davenport that is absolutely disgusting. They should go to court



Brittney Davenport · 1d

Yep can u just delete my comments I'm on my daughters phone and can't figure it out. DOI will be out soon enough





Write a reply...





Write a comment...





<  **Erin Richards**
Friday at 5:50 PM · 🌐


 **Rob Drosjack**
A mistake was made and new checks are being issued. Its noble that you and Brandi Leighwill "fight for what's right" but I doubt either one on you will delete the initial posts or actually repost original with the real truth and admit you were wrong. There's a difference between fighting for what's right and DOING the RIGHT THING.
6d Like Reply  7

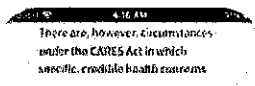
 **Joanna Wentling**
Rob Drosjack words to live by.
2d Like Reply  1




 Write a reply...

 **Mary Ann**
make sure what you are posting is true because it could come back to bite you in the butt.. it was already stated from unemployment that if you are not comfortable going back to your job because of coronavirus you do not have to and you will absolutely not lose your unemployment
5d Like Reply  1

View 1 previous reply...

 **Ashley Rose**
Mary Ann



 Write a comment...  



Brittney Davenport

Thursday at 9:47 PM · 🌐



Of course!!! This is coming from the same owner who sat there for a solid 4 minutes telling his employees they have absolutely nothing to worry about. That the risk of catching this "disease" as he's called it, is so minuscule and that they should all actually be worried about HIM. Because after all, he's over 60, has had a heart attack and has asthma and yet still shows up to the grill everyday. 🙌🙌🙌 round of applause for him. For making sure he figures out a way to collect that ppe money while having his "supervisor" send threatening texts to the servers, demanding they all open their availability up to pre corona. From the same owner/management who hasn't had a cleaning person in to clean the restrooms or any other part of the restaurant since before corona & who tell their employees they aren't allowed to use the restroom on the clock. Yet are allowing their patrons to get shit faced in their parking lot and come in and use it at their convenience. While In RED. Who never adhered to the cdc guidelines as stated to put a barrier up between the employee and the guest. Who are required to supply a mask to each employee for every shift yet refuse to give one when asked... yet there are boxes and boxes in the office. The same ones who just had Allegheny health department there requiring a sink be put outside. Because who would of thought that a food station serving food needed to be able to wash their hands, regularly. And the same ones who continue to disregard any type of health or food safety protocol pre corona, let alone the new covid Health requirements.


And btw MIKE, why are we deleting our regulars comments on your posts? WHY can no one get a direct answer from you as to WHO HAS BEEN CLAIMING 9999 tips??




This content isn't available right now

When this happens, it's usually because the


  **Brittney Davenport** 4 hrs ·  

 **Brittney Davenport**
Stefanee Rae I'm sorry but you have been in a supervisor position for 2 months? This is federal tax fraud and way above your pay rate


2h Like Reply  1

 **Stefanee Rae**
1. You came to me for answers
2. All I'm saying is I'm angry how this was handled. I'm sure everything will come out in due time, one way or the other. It's about making decisions that affect everyone without having all facts before hand. Not trying to get them AFTER plastering it on the internet

2h Like Reply

 **Brittney Davenport**
Stefanee Rae you're misinformed. I've been working on getting my ducks in a row for quite some time. Hope Mike wasn't planning on jumping ship and leaving you with a mess to clean up. Good luck with everything

1h Like Reply

 **Brittney Davenport**
Also, never said it wasn't my business about how you are compensated. That is my business. If you are getting cash and I have been claiming it. It's very much so my business



Write a comment...



< **Erin Richards**
Friday at 5:50 PM ·



Amber Lynn

What a joke like tips are split I'm making \$2.83 and the cooks are making like 18 maybe more and they should be getting half coz they cooked the food wowwwww

1d Like Reply



Courtney Herbst

I work there.. and this is all pretty much not true. Idk where this info came from.. but we get 100% of the tips we earn. Cooks ONLY get half the online tips because we only bag it. And we are getting paid min wage plus tips. And no one wants to come back to work so yes unemployment is not gonna be an option much longer. But Kevin and Mike have been trying to find ways for us to continue to make money. And as far as claiming tips goes thats on the individual server now.

1d Like Reply



Dro Finesse
KDKA-TV | CBS Pittsburgh WPXI-TV Pittsburgh

1d Like Reply



Amber Lynn
WPXI-TV Pittsburgh

1d Like Reply



Dakota Touahlian



Write a comment...





Erin Richards

Friday at 5:50 PM ·



30

717 shares



Holly Panza

That's a shame. One of my favorite places.

1d Like Reply

2



Sara Pieza

Is this seriously true? It's horrible.

1d Like Reply



Erin Richards

Sara Pieza ...yes i would not post it if i didnt kno for a 100% fact this is true!!!!

1d Like Reply

1



Erin Richards

Sara Pieza please share!!!!!!

1d Like Reply



Sara Pieza

Erin Richards I will..

1d Like Reply



Write a reply...



Jess Szymanski

Courtney Herbst is this true???

1d Like Reply

1



Write a comment...

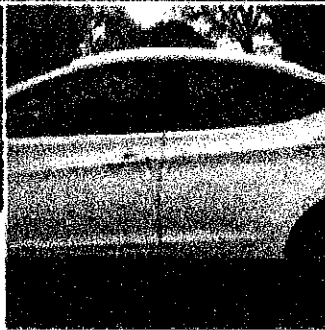
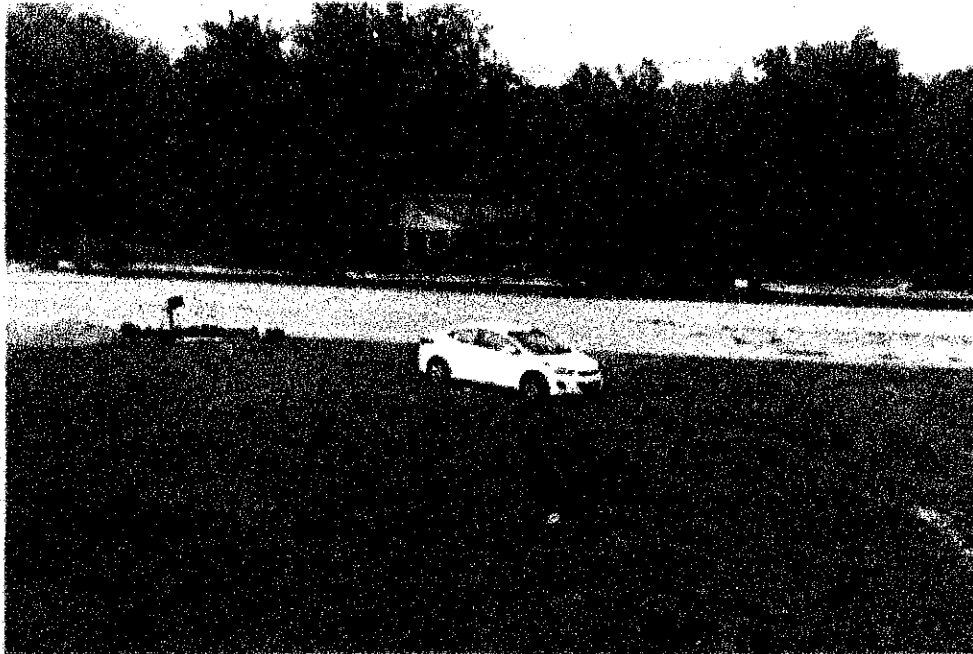




Brittney Davenport

2 hrs

...



👍👍👍 23

16 Comments

👍 Like

💬 Comment



Justin Kaminsky

So I'm honestly curious...I'm not debating anything you're saying or trying to counter it...I am merely curious...the outrage (if true) is valid and he deserves to pay...but encouraging people to not eat there doesn't that hurt the servers who are already being hurt?

Like Reply · 2h

Abbi Schlanger
1 hr

Brittney Davenport is one of my very good friends, sister. she is a hard working person among the many people I've seen working there. that's a shame. money and power can really ruin people's lives smrk



Brittney Davenport is at Gateway Grill.

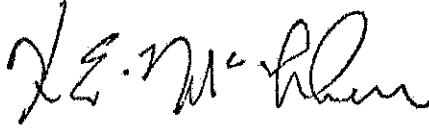
3 hrs · Mariettaville

Letting the people know. When they think they are leaving a tip for servers making \$2.03 an hour Mike Barrett is taking that money and giving it to his cooks to pay part of their salaries. And he REFUSES to answer my question of WHO THE FUCK IS CLAIMING and PAYING TAXES on that money?? I already figured out the answer. Your entire female staff you sick disgusting pig!!!

EDITED to add!!! **** I give ZERO fucks!!! I spoke with Pat Thomassey this AM regarding these concerns. Unfortunately, as I have suspected, he has represented Kevin McFadden in the past and therefore could only wish me the best in finding other legal council. Who would have think that this skeezball would have already had the best criminal defense attorney in western PA already retained. I can now only hope that pat thomassey will refuse to defend this pig when my self and a group of some of the hardest working FEMALES I have ever known take his ass to court.

VERIFICATION

I, Kevin E. McFadden, verify that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "K.E. McFadden", written in a cursive style.

Kevin E. McFadden

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Ryan James

Signature: /s/ Ryan James

Name: Ryan James

Attorney No. (if applicable) 82799