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Restaurant Didn't Pay OT, Imposed No-Spanish Rule, Suit Says

By **Benjamin Morse**

Law360 (March 25, 2026, 3:48 PM EDT) -- A Long Island restaurant failed to pay workers overtime rates and imposed an English-only rule for Spanish-speaking employees, according to a collective action filed Wednesday in a New York federal court.

Former employee David Coronel's **complaint** alleges that Ultra Water Mill Towd LLC, which operates as Dero's Food & Family in Hampton Bays, and owners Andrew DeRobertis and Evan DeRobertis violated the federal Fair Labor Standards Act and New York wage and discrimination laws.

Coronel worked as a bartender, server, pizza-maker and manager from March 2025 through December 2025 and logged as many as 86 hours in a workweek, according to the complaint. The restaurant paid him \$25 per hour for the first 40 hours but paid no wages for hours worked beyond 40 in a workweek, the suit alleges.

The lawsuit further alleges the restaurant failed to provide spread-of-hours pay for shifts exceeding 10 hours and did not furnish wage notices at hiring or accurate wage statements, in violation of the New York Labor Law and the Wage Theft Prevention Act.

In addition to the wage claims, Coronel, a native Spanish speaker of Ecuadorian origin, alleges he was subjected to national origin discrimination after management instructed him not to speak Spanish while working in the restaurant.

For example, in 2025, Andrew DeRobertis allegedly told Coronel he could speak Spanish only in the kitchen. In another instance, Coronel was speaking Spanish while reviewing daily specials with servers who had limited English proficiency when Andrew DeRobertis approached and said, "That is it with the Spanish," according to the complaint.

The lawsuit includes text messages allegedly sent by Andrew DeRobertis stating that the "no Spanish policy is a good thing" and telling Coronel to "grow up, it's America or leave," before firing him during the exchange.

According to the complaint, Andrew DeRobertis' father later apologized for the exchange, and Coronel returned to work. The suit alleges that management continued enforcing the English-only policy, and that during a later incident Andrew DeRobertis told Coronel that "you must understand that you are in America and that you have to speak English if you want to be here." Coronel then handed over his keys and left the restaurant.

Coronel seeks to represent a collective of approximately 20 nonexempt employees who he alleges were denied overtime wages within the three years preceding the filing of the complaint. He

seeks, in part, unpaid wages, damages, attorney fees and costs.

Evan DeRobertis told Law360 in a phone call Wednesday that "according to customer communication professional conduct policy ... if a guest appears confused or uncomfortable, employees should politely switch to a language that the guest understands."

"Employees may speak any language during breaks, private conversations not involving guests and back of the house areas as long as it does not interfere with teamwork or safety," DeRobertis added.

Vivianna Morales of Pechman Law Group PLLC, counsel for Coronel, told Law360 in a statement Wednesday: "This restaurant is in Hampton Bays, where 27% of the population speaks Spanish. A "No Spanish" policy is not only blatantly unlawful, it is bad for business."

Coronel is represented by Louis Pechman, Vivianna Morales and Rachell Henriquez of Pechman Law Group PLLC.

Counsel information for Ultra Water Mill Towd LLC was not immediately available Wednesday.

The case is Coronel v. Ultra Water Mill Towd LLC et al., case number 2:26-cv-01759, in the U.S. District Court for the Eastern District of New York.

--Editing by Amy French.

Update: This story has been updated to include comment from counsel for Coronel.