

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

JONATHAN BARE
1340 Walnut Street, Apt. 16
Baraboo, Wisconsin 53913,

BARBARA VERA TORRES
1340 Walnut Street, Apt. 16
Baraboo, Wisconsin 53913,

MICHAEL GRASSMAN
5597 Apricot Court
Greendale, WI 53129,

Plaintiffs,

v.

AL. RINGLING BREWING COMPANY, INC.
623 Broadway Street
Baraboo, Wisconsin 53913,

AL. RINGLING MUSEUM MANSION LLC
623 Broadway Street
Baraboo, Wisconsin 53913,

JOSEPH F. COLOSSA
623 Broadway Street
Baraboo, Wisconsin 53913,

DONALD G. HOROWITZ
56 Cooper Lane
East Hampton, New York 11937,

Defendants.

Case No. 21-642

COMPLAINT

NOW COME the Plaintiffs, Jonathan Bare, Barbara Vera Torres, and Michael Grassman, through their attorneys, Alan C. Olson & Associates, s.c., by Alan Olson, and, as and for a

Complaint against the Defendants, Al. Ringling Brewing Company, Inc., Al. Ringling Museum Mansion LLC, Joseph F. Colossa, and Donald G. Horowitz, allege as follows:

PARTIES

1. The defendant, Al. Ringling Brewing Company, Inc. (the “Company”) is a Wisconsin corporation organized pursuant to Wis. Stat. Ch. 180, with a principal place of business located at 623 Broadway Street, Baraboo, Wisconsin 53913 (the “Property”). The Company operates as a brewery and restaurant. Its registered agent for service of process is the defendant Joseph F. Colossa, and its current president is the defendant Donald G. Horowitz. The Company is a joint employer with Al. Ringling Museum Mansion LLC in the hiring and firing employees, supervising and controlling the work of employees, work schedules and conditions of employment, determining employee rates and methods of payment, and maintaining employee records.

2. The defendant, Al. Ringling Museum Mansion LLC (the “Museum”) is a Wisconsin company organized pursuant to Wis. Stat. Ch. 180, with a principal place of business located at the “Property. The Museum operates as a historical property. Its registered agent for service of process is the defendant Joseph F. Colossa. The Museum is a joint employer with the Company in the hiring and firing employees, supervising and controlling the work of employees, work schedules and conditions of employment, determining employee rates and methods of payment, and maintaining employee records.

3. The plaintiff, Jonathan Bare, is a natural person residing at 1340 Walnut Street, Apartment 16, Baraboo, Wisconsin 53901. Mr. Bare owns 325 shares in the Company, which constitutes a 29.9% ownership interest. He currently serves on the Company’s board of directors, and prior to May 17, 2021, he served as the Company’s vice president.

4. The plaintiff, Barbara Vera Torres, is a natural person residing at 1340 Walnut Street, Apartment 16, Baraboo, Wisconsin 53901. Ms. Vera Torres is the spouse of Mr. Bare, and was formerly an employee of the Company and the Museum as joint employers.

5. The plaintiff, Michael Grassman, is a natural person residing at 5597 Apricot Court Greendale, WI 53129. Mr. Grassman owns 12 shares in the Company, which constitutes a 1% ownership interest.

6. The defendant Joseph F. Colossa is a natural person residing, on information and belief, at 623 Broadway Street, Baraboo, Wisconsin 53913. Mr. Colossa currently owns 325 shares in the Company, which constitutes a 29.9% ownership interest. He currently serves on the Company's board of directors, and prior to May 17, 2021, he served as its president.

7. Mr. Colossa is married to Carmen Vera Torres, with whom he currently co-owns a fifty percent (50%) interest in the Property. On information and belief, the Company conducts its business operations from the Property pursuant to a lease agreement with Mr. Colossa, Carmen Vera Torres, and the defendant, Donald Horowitz. Although Mr. Colossa and Carmen Vera Torres are in the process of divorcing, on information and belief Carmen Vera Torres is currently an employee of the Company. Carmen Vera Torres is the sister of the plaintiff Barbara Vera Torres.

8. The defendant Donald G. Horowitz is a natural person residing, on information and belief, at 56 Cooper Lane, East Hampton, New York 11937. Mr. Horowitz owns 325 shares in the Company, which constitutes a 29.9% ownership interest. He currently serves on the Company's board of directors. On information and belief, he presently serves as the Company's only officer, its president. Additionally, Mr. Horowitz owns a fifty percent (50%) interest in the Property.

9. In addition to the parties to this action, Griffin James, John Pleugers, and Rick Ringling hold shares in the Company.

NATURE OF THE CASE

10. The plaintiffs allege that Mr. Colossa engaged in severe and pervasive sexual misconduct in the workplace. When the plaintiffs opposed Mr. Colossa's sexual misconduct, he retaliated by terminating the plaintiffs' employment and ownership in the company, in violation of Title VII. The plaintiffs bring additional state law claims pursuant to Wisconsin Statute § 134.01 and violation of minority shareholder oppression, breach of fiduciary duty, wrongful termination, defamation, unjust enrichment, *quantum meruit*, injury to business reputation, invasion of privacy and assault and battery.

JURISDICTION AND VENUE

11. Jurisdiction over the Title VII claims is conferred on this Court by 28 U.S.C. § 1331.

12. Supplemental jurisdiction over the claims for minority shareholder oppression, breach of fiduciary duty, wrongful termination, defamation, unjust enrichment, *quantum meruit*, injury to business reputation, invasion of privacy and assault and battery, is conferred on this court by 28 U.S.C. § 1367.

13. The Western District of Wisconsin is the proper federal venue for this action pursuant to 28 U.S.C. § 1391, because the Defendants reside in the Western District and their unlawful actions occurred in the Western District.

CONDITIONS PRECEDENT

14. All conditions precedent to this action within the meaning of Rule 9(c), Fed.R.Civ.Pro., have been performed or have otherwise occurred.

JURY DEMAND

15. The Plaintiffs demand that their case be tried to a jury of their peers.

OPERATIVE FACTS COMMON TO ALL CLAIMS

16. On August 27, 2018, Messrs. Bare, Colossa, and Horowitz incorporated the Company as a Wisconsin S-Corporation for the purpose of owning and operating a brewery and restaurant located on the Property.

A. The Company's Growth and Success with Mr. Bare as General Manager

17. Following its incorporation, Mr. Bare served as the Company's general manager.

18. Rather than paying Mr. Bare a wage, the Company's shareholders and directors agreed that Mr. Bare would be permitted to take a weekly draw of \$600 from the Company's profits in lieu of a wage. The company and its shareholders believed that this would incentivize Mr. Bare to ensure that the Company generated revenue even during the challenging times created by the Covid-19 pandemic.

19. Among other things, Mr. Bare's responsibilities as general manager included writing the Company's business plan, obtaining funding, designing the brewhouse and taproom layouts, designing and implementing all of the Company's processes and procedures, acting as the Company's agent during the build-out, hiring and training staff, and running the day-to-day operations of the Company.

20. In addition to Mr. Bare, the Company also hired a number of other workers to support the Company's operations, including Barbara and Carmen Vera Torres.

21. Notwithstanding the challenges associated with opening a brewery and restaurant during the Covid-19 pandemic, the Company performed successfully, exceeding the expectations of the shareholders.

22. In addition, Mr. Bare's efforts also increased the value of the Property. By way of example, prior to remodeling the Property and the commencement of the Company's business operations, the Property appraised at a value of \$670,000. Following remodeling and the commencement of business operations under Mr. Bare's management, the Property was appraised at a range of \$1.3 to \$2.2 million. Assuming the lower end of this range, Mr. Bare's work contributed to a doubling of the Property's value.

B. Mr. Colossa Commences a Pattern of Sexual Harassment and Intimidating Behavior

23. Beginning in or around 2018, Mr. Colossa commenced a regular and consistent pattern and practice of intimidating behavior and sexual harassment toward Mr. Bare as well as the Company's workers, including without limitation, toward Mr. Bare's spouse, Barbara Vera Torres, as well as Barbara's sister, Carmen Vera Torres.

24. Among other things, Mr. Colossa would verbally berate and yell at Mr. Bare, as well as the Company's other workers.

25. Further, Mr. Colossa bragged about his sexual conquests and shared sexually explicit photographs and videos of plaintiff Barbara Vera Torres and others with workers. Such photographs and videos of Ms. Vera Torres were shared without her consent and without the consent of the person to whom Mr. Colossa was showing them.

26. Further, on at least two occasions, Mr. Colossa groped Mr. Bare's spouse, plaintiff Barbara Vera Torres, while she was employed with the Company and the Museum as joint employers. Such sexual contact was imposed on Ms. Vera Torres without her consent.

27. Mr. Bare asked Mr. Colossa to cease his abusive comments directed at Mr. Bare and the Company's other workers. Such requests were made repeatedly.

28. Further, Mr. Bare and Barbara Vera Torres, individually and collectively, informed Mr. Colossa that his sexual comments, display of sexual photos and videos, and sexual advances were unwelcome. They both asked him to stop-- repeatedly.

29. Additionally, in his capacity as general manager, Mr. Bare informed Mr. Colossa that he had received complaints from others working at the Company concerning Mr. Colossa's conduct, including without limitation, sexual comments, display of sexual photos and videos, and nonconsensual sexual advances. Mr. Bare instructed Mr. Colossa that such activity needed to stop.

30. When Mr. Colossa failed to cease his harassment and sexually offensive behavior, in January 2020, Mr. Bare and other workers began to inform Mr. Horowitz of Mr. Colossa's behavior. It was their hope that Mr. Horowitz would assist Mr. Bare with putting an end to Mr. Colossa's inappropriate behavior, however, he did not stop it.

31. On information and belief, Mr. Horowitz informed Mr. Colossa of the complaints voiced by Mr. Bare, Barbara Vera Torres, and the other workers.

32. In response to the opposition by Mr. Bare and Barbara Vera Torres, Mr. Colossa retaliated and became even more abusive. Among other things, Mr. Colossa began to make physical threats against Mr. Bare beginning in 2019. Over time the threats escalated, and Mr. Colossa ultimately threatened Mr. Bare's life in front of the Company's workers on at least three occasions between January and September of 2020.

33. In September 2020, nine of the Company's workers met with the Baraboo Police Department concerning Mr. Colossa's conduct. During this meeting, the workers discussed multiple instances of psychological, emotional, physical, and sexual abuse perpetrated by Mr. Colossa. Workers who attended the meeting with the police "advised that they were victims or

witnessed [Mr. Colossa] on a regular basis yelling at employees, or the subcontractors, getting almost nose-to-nose and screaming. On numerous times it would reach a point where [Mr. Colossa] was poking people on their chest with his finger while he was yelling at them.”

34. One attendee of the meeting, Douglas Esposito, a contractor working for the Company, explained to the police that he “witnessed firsthand the harassment (both physical and sexual) of employees and sub-contractors working at the business, getting it ready to open. Douglas advised that he is in fear of his own life and the life of others working there.” Mr. Esposito’s wife, Jessica Esposito, confirmed her husband’s statements. She informed the police that she and others had “suffered some type of abuse-whether sexual harassment, verbal abuse, or threats against their lives and the lives of their families, along with threats against their employment as a subcontractor or employee of the business.”

35. Mr. Esposito also informed the police that Mr. Colossa had repeatedly shown him nude photos of Barbara Vera Torres that Mr. Colossa kept on his cell phone. His comments were supported by numerous other employees present during the meeting, who stated that Mr. Colossa had been exhibiting naked photos of not only Barbara Vera Torres, but also photos of other women including the girlfriend of the air conditioning subcontractor who had been working at the Property. They also informed the police that not only had Mr. Colossa been exhibiting such sexually explicit photos, but he had also been requesting that the Company’s male workers provide him with copies of such sexually explicit photos of the workers’ wives and girlfriends.

36. The employees informed the police that Mr. Colossa “had taken a pair of ‘jingle balls’ and fastened them to his jeans, then walked around to all of the female employees . . . shaking his junk and asking the female employees and subcontractors if they wanted to open up his package.”

37. Several workers who attended the meeting informed the police that Mr. Colossa had propositioned them to engage in sexual activity, “asking them to have threesomes with him and his wife.” All refused. Further, Barbara Vera Torres informed the police that “she is afraid of [Mr. Colossa], as he continues to try touching her” in a sexual manner.

38. In November 2020, Ms. Carmen Vera Torres -- Mr. Colossa’s wife and the sister of Plaintiff Barbara Vera Torres -- filed for divorce. On information and belief, Mr. Colossa’s conduct toward the plaintiffs as well as the Company’s other workers was a primary motivating factor in her decision to terminate her marriage with Mr. Colossa. Such conduct included multiple instances of Mr. Colossa making unwanted sexual advances toward Barbara Vera Torres. Ms. Carmen Vera Torres had attended the meeting with the Baraboo police and informed the attendees that she intended to file for divorce because she was afraid of her husband.

39. Carmen Vera Torres’s decision to leave Mr. Colossa enraged him. He informed Mr. Bare that he believed that Mr. Bare was to blame for his wife’s decision to file for divorce. He continued to threaten physical violence and make death-threats against Mr. Bare.

C. The Defendants Retaliate Against Mr. Bare for Seeking Protection from the Court

40. Mr. Colossa refused to cease his inappropriate behavior, and Mr. Horowitz refused to intervene or otherwise assist with ending Mr. Colossa’s conduct. Recognizing how dangerous the circumstances were becoming, in the fall of 2020, Mr. Bare informed Mr. Horowitz that he, Barbara Vera Torres, and Carmen Vera Torres intended to petition the court for a restraining order against Mr. Colossa.

41. On information and belief, Mr. Horowitz disclosed Mr. Bare’s intent to petition the court for a restraining order to Mr. Colossa. When Mr. Colossa received the information in

December 2020, he made yet another death-threat against Mr. Bare. Specifically, Mr. Colossa informed one of the Company's workers that he was in possession of a gun and intended to use it on Mr. Bare. He similarly threatened to kill the plaintiff Barbara Vera Torres, as well as his own wife, Carmen Vera Torres.

42. In an effort to diffuse the situation, Mr. Horowitz encouraged Messrs. Bare and Colossa to attempt to resolve their differences through mediation. The parties agreed, and mediation began in the spring of 2021. In an effort to provide the best opportunity for the mediation to be successful, Mr. Bare agreed to forebear filing his petition for a restraining order during the pendency of the mediation process.

43. The mediation failed because Mr. Colossa ceased participating in the mediation process after the mediator recommended that he stay out of the brewery.

44. Knowing that Mr. Bare intended to file a petition for a restraining order against him, Mr. Colossa rushed to the court to file his own petition for a restraining order against Mr. Bare on April 5, 2021.

45. On April 7, 2021, Mr. Bare filed a petition for a restraining order against Mr. Colossa with the Sauk County Circuit Court.

46. Under the court's temporary order issued prior to the commencement of a hearing regarding Mr. Colossa's petition, Mr. Bare was not permitted to be on the Property. Accordingly, Mr. Bare was escorted onto the Property by members of the Baraboo Police Department to permit him to retrieve the materials and information necessary to permit him to remotely fulfill his obligations as the general manager until the petition could be heard.

47. On April 14, 2021, while the cross-petitions for restraining orders were pending, Messrs. Colossa and Horowitz informed Mr. Bare that they had made the decision to fire him as

an employee of the Company. As a consequence, Mr. Bare was terminated as the Company's general manager.

48. On April 21, 2021, the Sauk County Circuit Court granted Mr. Bare's petition, and denied Mr. Colossa's petition. In particular, the court imposed a four-year restraining order against Mr. Colossa pursuant to which he is required to cease and avoid further harassment of Mr. Bare, including by or through contacting him at home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner.

D. The Defendants Commence a Campaign Of Misrepresentations Intended to Remove Mr. Bare as an Officer and Oppress His Shareholder Rights

49. Following the imposition of the restraining order against Mr. Colossa, Messrs. Colossa and Horowitz decided to seek the removal of Mr. Bare as the Company's vice president.

50. Although Messrs. Colossa and Horowitz possessed enough voting power to remove Mr. Bare as the Company's general manager, the Company's bylaws did not permit them to remove him as an officer without further support. Specifically, the Company's bylaws permit the directors of the Company to remove any officer by majority vote. At the time, the company had four directors: Mr. Horowitz, Mr. Colossa, Mr. Bare, and Mr. James. Therefore, in order to obtain the majority vote necessary to remove Mr. Bare as vice president, they needed to convince Mr. James to vote in favor of removal.

51. Accordingly, Messrs. Colossa and Horowitz commenced a campaign of lies and manipulations intended to convince Mr. James to help them remove Mr. Bare as an officer of the Company. Further, on information and belief, their lies and manipulations were also intended to obtain the cooperation of the companies other shareholders in oppressing Mr. Bare's rights as a shareholder of the Company. The plaintiffs are aware of the intent of Messrs. Colossa and

Horowitz because Mr. Colossa made specific statements to third-parties informing them of the defendants' intent to seek the demise of Mr. Bare.

52. Among other things, Messrs. Colossa and Horowitz informed at least two shareholders, including Mr. James, that the reason the police came to the Company was to forcibly remove Mr. Bare, who had been caught embezzling or stealing from the Company. These statements were false. The police escorted Mr. Bare to the Property because he was not allowed to be present on the premises before the court ruled on Mr. Colossa's petition for a restraining order -- which the court ultimately denied.

53. Further, Messrs. Colossa and Horowitz informed Mr. James that they "didn't believe [Mr. Bare has] a future at the Company if [he] can't even be on the Property."

54. Between April and July, 2021, Messrs. Colossa and Horowitz also informed Mr. James and at least one other shareholder that Mr. Bare attempted to sabotage the Company by shutting off its utilities with Alliant Energy and instructing workers not to show up for work. These statements were false. The only worker that Mr. Bare encouraged not to go to work was Carmen Vera Torres, who was (and is) in the process of divorcing Mr. Colossa. Mr. Bare advised her against going to work because he feared for her safety given the numerous threats of physical, emotional, and sexual violence made by Mr. Colossa.

55. Between April and July, 2021, Messrs. Colossa and Horowitz informed Mr. James and at least one other shareholder that Mr. Bare stole from the Company. Some of these representations were simply that he embezzled or stole an undisclosed amount of funds from the Company's accounts. At other times they specifically alleged that he stole \$14,000 from the Company from Covid-relief funds obtained by the Company. Still at other times they stated that Mr. Bare issued payroll checks to his wife for work she had not performed. They also claimed

that Mr. Bare physically broke into the Company to steal the Company's property. All of these statements were false.

56. On May 17, 2021, while Mr. Bare was out of the country and unavailable to meet, Messrs. Horowitz and Colossa convened a meeting of the Company's board of directors for the express purpose of removing Mr. Bare as the Company's vice president.

57. During this meeting, Messrs. Horowitz and Colossa informed Mr. James that the Company's bank imminently intended to take an adverse action against the Company and its accounts if Mr. Bare was not removed as vice president.

58. Although subsequent communications with the bank make clear that Messrs. Colossa and Horowitz had lied to Mr. James concerning the exigency of the bank's intended actions, their false statements convinced him to vote in favor of removing Mr. Bare as the Company's vice president on or about May 17, 2021. On information and belief, Mr. James would not have voted in favor of removing Mr. Bare as the Company's vice president but for the misrepresentations of Messrs. Colossa and Horowitz.

E. The Defendants Terminate Ms. Barbara Vera Torres For Her Opposition to Sexual Conduct

59. As described above, Plaintiff Barbara Vera Torres originally met with detectives from the Baraboo Police Department, together with eight other workers for the Company, in September of 2020. Among other things, Ms. Vera Torres informed the detectives of the multiple times that Mr. Colossa shared explicit sexual photos and videos of her with third parties, including without limitation other workers at the Company, without her consent.

60. In communications with the Baraboo Police Department, the plaintiffs learned that some of the information Ms. Vera Torres had shared with the detectives had not been recorded in the police report following the meeting. Ms. Vera Torres also wanted to inform the

police of additional unwanted sexual behavior by Mr. Colossa. In an effort to address this, she met with the Baraboo Police Department a second time on April 15, 2021.

61. During this second meeting, Ms. Vera Torres repeated the information she had shared during the first meeting, and also informed the police that, going back as far as 2017, Mr. Colossa had groped her on several occasions without her permission and unknowingly taken naked photographs of her. Such unwanted and nonconsensual sexual contact included touching her thighs and grabbing her crotch and vaginal area. When she threatened to contact law enforcement previously, Mr. Colossa “advised that no officer would believe her because he was friends with all local law enforcement officers.”

62. She also informed the police that Mr. Colossa had attempted to coerce her into having sexual intercourse with him in exchange for money.

63. Ms. Vera Torres informed the police that her former spouse (who was friends with Mr. Colossa) had given Mr. Colossa copies of sexually explicit photos and videos she made with her former spouse. Mr. Colossa then showed these photos and videos to other people - including workers at the Company - without her consent. In fact, several workers informed Mr. Bare that Mr. Colossa had shown them photos, and in some instances videos, of Ms. Vera Torres nude, performing oral sex, or having sexual intercourse with her former husband. These workers included Doug Esposito, Gary Frisch, Derek Wagner, and Brad Howell.

64. In a follow-up interview, Mr. Wagner advised the police that Mr. Colossa’s conduct “disgusted him” and “made him feel uncomfortable.” He also advised that Mr. Colossa’s inappropriate conduct was not just limited to Ms. Vera Torres. He stated that “numerous times, he would be up on a ladder, doing something, and [Mr. Colossa] would walk by, take the broom handle, and shove it up into his butt.” He “reported he was wearing blue

jeans pants, so the broom handle would not physically go into his body cavity, just enough to make him feel uncomfortable and embarrassed.”

65. The police followed up with Messrs. Esposito and Wagner. All three confirmed that Mr. Colossa had shown them photos and videos of Ms. Vera Torres engaging in oral sex and sexual intercourse with her former husband. They also informed the police that Mr. Colossa had shown them numerous other photos of Ms. Vera Torres in which she did not appear to be aware that her photograph was being taken.

66. Ms. Vera Torres also informed the police that in January 2021, on at least two occasions Mr. Colossa grabbed her breast and buttocks.

67. Following Ms. Vera Torres’s meeting with the police, they interviewed Mr. Colossa on May 6, 2021, to obtain his depiction of the events shared by Ms. Vera Torres. Mr. Colossa denied Ms. Vera Torres’s allegations, and on information and belief, thereafter informed Mr. Horowitz of his conversation with the police.

68. On May 20, 2021, Messrs. Horowitz and Colossa informed Mr. Bare and Ms. Vera Torres that they were no longer permitted to enter the Property, effectively terminating Ms. Vera Torres’s employment with the Company and the Museum as joint employers. In doing so, the defendants specifically informed Ms. Vera Torres that their decision was based upon their belief that she had “caused trouble” for them by complaining to the police about Mr. Colossa’s criminal conduct.

F. The Defendants Engage in a Campaign of False Statements Against Mr. Bare, Intend to Harm His Reputation in the Community, and Impede His Ability to Attain Meaningful Employment

69. The defendants did not limit their false representations concerning Mr. Bare to only the Company’s minority shareholders and directors. They made similar statements and allegations as those described above to members of the Baraboo community, employees, and the

Company's contractors, which were well outside the employment relationship and not while Mr. Bare was performing employment duties.

70. For example, on July 8, 2021, Mr. Colossa spoke to the president of the Chamber of Commerce. In this conversation, he falsely stated that Mr. Bare embezzled tens of thousands of dollars from the Company, was caught red-handed while doing so, and was subsequently escorted off of the premises in handcuffs.

71. On information and belief, Messrs. Colossa and Horowitz continue to spread false and defamatory statements about Mr. Bare in the community. In doing so, they intended to and have actually damaged Mr. Bare's reputation and ability to find meaningful employment.

72. During the time period of November 29, 2020 to April 3, 2021, Ms. Verra Torres performed services for the Company and the Museum as joint employers for which she was not paid her earned overtime wages in the amount of \$3,845.44.

73. The Company and the Museum refused and continue to refuse to pay Ms. Verra Torres her earned overtime wages in the amount of \$3,845.44.

FIRST CAUSE OF ACTION
Sex Discrimination under Title VII of the Civil Rights Act of 1964
By Barbara Vera Torres
as against Al. Ringling Brewing and Al. Ringling Museum Mansion

74. The plaintiffs reallege and incorporate herein by reference each of the allegations set forth in the preceding paragraphs.

75. The allegations more particularly described above constituted severe and pervasive gender discrimination in the form of sexual harassment against Ms. Vera Torres, with malice or with reckless indifference to the federally protected rights of Ms. Vera Torres, in violation of Title VII of the Civil Rights Act of 1964, and the Civil Rights Act of 1991, [42

U.S.C. § 2000e-2(a)(1)], causing Ms. Vera Torres emotional distress, pain, suffering, losses of wages, benefits, expenses, insurance, and advancement opportunities, all to her damage.

SECOND CAUSE OF ACTION
Retaliation under Title VII of the Civil Rights Act of 1964
By Barbara Vera Torres
as against Al. Ringling Brewing

76. The plaintiffs reallege and incorporate herein by reference each of the allegations set forth in the preceding paragraphs.

77. The allegations more particularly described above constituted intentional retaliatory adverse employment actions against Ms. Vera Torres, with malice or with reckless indifference to the federally protected rights of Ms. Vera Torres, in violation of Title VII of the Civil Rights Act of 1964, and the Civil Rights Act of 1991, [42 U.S.C. § 2000e-3(a)], causing Ms. Vera Torres emotional distress, pain, suffering, losses of wages, benefits, profits and advancement opportunities, all to her damage.

THIRD CAUSE OF ACTION
Minority Shareholder Oppression
By Jonathan Bare and Michael Grassman
as against Al. Ringling Brewing Company, Inc,
Joseph Colossa, and Donald Horowitz

78. The plaintiffs reallege and incorporate herein by reference each of the allegations set forth in the preceding paragraphs.

79. Messrs. Colossa and Horowitz collectively own almost 60% of the shares in the Company.

80. In an effort to pursue their own agenda and self-interest, Messrs. Colossa and Horowitz made fraudulent representations to the minority shareholders within the Company, including without limitation to Messrs. Bare and Grassman.

81. Further, Mr. Colossa has acted in a manner that is unlawful insofar as he has repeatedly made threats of violent physical, emotional, psychological, and sexual abuse against employees of the Company, as well as fellow directors and shareholders of the Company.

82. Mr. Colossa's conduct, which has been aided and abetted by Mr. Horowitz, has been for the sole purpose of promoting his own agenda and self-interest at the expense of the Company's. Among other things, Mr. Colossa engaged in a pattern of unlawful conduct by imposing sexual comments, innuendo, and physical contact upon employees of the Company. When Mr. Bare attempted to intervene and demanded that Mr. Colossa cease such unlawful conduct, Mr. Colossa threatened the physical safety and life of Mr. Bare. When Mr. Bare then sought the protection of the courts in the form of a restraining order, Mr. Colossa conspired with Mr. Horowitz to secure the termination of Mr. Bare as the Company's general manager.

83. In an effort to obtain the cooperation of Mr. James in terminating Mr. Bare as the company's vice president, as well as the support for such action by the Company's other shareholders, Messrs. Colossa and Horowitz made false representations concerning Mr. Bare. Such representations, included but were not limited to the exigency of potential adverse actions by the Company's bank in the event that the Company failed or refused to remove Mr. Bare as vice president. In doing so, they obfuscated facts in a manner that was intended to, and did, disenfranchise Mr. Grassman and other shareholders when making decisions concerning the Company.

84. Messrs. Colossa and Horowitz have engaged in conduct that is burdensome, harsh, and wrongful. They have violated their duty of fair dealing with respect to the affairs of the Company to the prejudice of its other shareholders, including Messrs. Bare and Grassman. If Messrs. Colossa and Horowitz had not engaged in such conduct, the other owners of the

Company would not have supported their efforts to terminate Mr. Bare as general manager or remove him as the Company's vice president.

85. The conduct of Mr. Colossa was enabled and facilitated by Mr. Horowitz, is a departure from the standards of fair dealing, and constitutes a violation of fair play to which every shareholder who entrusts money to the Company is entitled to rely.

86. Under Wis. Stat. § 180.1430(2) and the Court's equitable powers, Messrs. Bare and Grassman are entitled to put their shares to the defendants in exchange for payment at fair market value. In the alternative, the plaintiffs are entitled to an order for judicial dissolution of the Company.

FOURTH CAUSE OF ACTION
Breach of Fiduciary Duty
by Jonathan Bare
as against Joseph Colossa and Donald Horowitz

87. The plaintiffs reallege and incorporate herein by reference each of the allegations set forth in the preceding paragraphs.

88. As officers, directors, and shareholders of the Company, Messrs. Colossa and Horowitz owe a fiduciary duty of loyalty and due care to the other shareholders, directors, and officers in the Company, including Mr. Bare. Such duties arise pursuant to both statutory law as well as Wisconsin common law.

89. Messrs. Colossa and Horowitz breached their fiduciary duties to Mr. Bare by, among other things, disseminating false information to minority shareholders and Mr. James in an effort to promote their own agenda and self-interests at the expense of Mr. Bare and conspiring to terminate Mr. Bare as the Company's vice president.

90. Further, Mr. Colossa, who was enabled by Horowitz, engaged in a pattern of persistent unlawful and despicable behavior in an effort to convince Mr. Bare to sell them his shares in the Company at an amount below market value.

91. Messrs. Colossa and Horowitz intended that such conduct would cause Mr. Bare to sell his interest in the Company to them at a substantial discount; thereby benefiting themselves at the expense of Mr. Bare.

92. The defendants' breaches have caused, and are the proximate cause of, harm to Mr. Bare.

93. Pursuant to Wis. Stat. § 180.1430(2) and the Court's equitable powers, the plaintiff is entitled to put his shares to the defendants in exchange for payment at fair market value. In the alternative, Mr. Bare is entitled to the legal remedy of damages in an amount to be determined at trial.

FIFTH CAUSE OF ACTION

Wrongful Termination

**By Jonathan Bare and Barbara Vera Torres
as against Al. Ringling Brewing Company, Inc.**

94. The plaintiffs reallege and incorporate herein by reference each of the allegations set forth in the preceding paragraphs.

95. Mr. Colossa engaged in a pattern of unlawful and unprofessional conduct, consisting of physical, psychological, and sexual abuse directed at, among others, Mr. Bare and Ms. Barbara Vera Torres.

96. The ability for citizens to obtain protective relief from unlawful and harassing conduct of others is a fundamental and well-defined public policy in the State of Wisconsin pursuant to *Wis. Stat.* 943.30, which provides under the threat of criminal sanctions that whoever, either verbally or by any written or printed communication, maliciously threatens to

accuse or accuses another of any crime or offense, or threatens or commits any injury to the person, property, business, profession, calling or trade, or the profits and income of any business, profession, calling or trade of another, with intent thereby to extort money or any pecuniary advantage whatever, or with intent to compel the person so threatened to do any act against the person's will or omit to do any lawful act, is guilty of a Class H felony.

97. Notwithstanding this fundamental and well-defined public policy, Messrs. Colossa and Horowitz sought to punish Mr. Bare for exercising such right by, among other things, terminating his employment with the Company.

98. Further, under Wisconsin law, Ms. Vera Torres had a right to protect herself from Mr. Colossa and she pursued such a right by filing petitions for restraining orders as well as filing police reports with the Baraboo Police Department on or about September 15, 2020, and April 16, 2021.

99. Notwithstanding this fundamental and well-defined public policy, Messrs. Colossa and Horowitz sought to punish her for exercising such right by, among other things, terminating her employment with the Company.

100. Mr. Bare and Ms. Vera Torres were harmed by the unlawful and retaliatory conduct of Messrs. Colossa and Horowitz in an amount to be determined at trial.

SIXTH CAUSE OF ACTION

Defamation

By Jonathan Bare

as against Joseph Colossa

101. The plaintiffs reallege and incorporate herein by reference each of the allegations set forth in the preceding paragraphs.

102. As discussed above, Mr. Colossa made false statements of fact to members of the Baraboo community concerning Mr. Bare that were outside of the employment relationship and

not while Mr. Bare was performing duties related to his employment. These include statements that Mr. Bare had stolen money and property from the Company, that he had been “caught red handed” embezzling from the Company, that he sought to sabotage the Company by encouraging its employees to refrain from showing up to work, that he attempted to sabotage the company by cutting off its utilities, and that he had been escorted off the premises by the police in handcuffs as a consequence of his unlawful conduct.

103. Mr. Colossa knew such statements were false, or should have known that such statements were false, and made them anyway with reckless disregard for the truth or falsity of the same.

104. Mr. Colossa made such statements with the express purpose of harming Mr. Bare, including without limitation, harming his reputation in the community.

105. Mr. Bare has been damaged as a result of the false and defamatory statements made by Mr. Colossa in an amount to be determined at trial.

SEVENTH CAUSE OF ACTION

Unjust Enrichment

By Jonathan Bare

as against Al. Ringling Brewing, Joseph Colossa, and Donald Horowitz

106. The plaintiffs reallege and incorporate herein by reference each of the allegations set forth in the preceding paragraphs.

107. Mr. Bare conferred a significant monetary contribution and sweat equity to the benefit of the Company, Mr. Colossa, and Mr. Horowitz.

108. Mr. Bare’s contributions were known and appreciated by the defendants through an increase in the value of the Company and the Property.

109. The defendants retained these benefits, and continue to retain them, with no intention of fairly compensating Mr. Bare, and under circumstances where it would be inequitable to to compensate Mr. Bare for such value.

EIGHTH CAUSE OF ACTION

Quantum Meruit

**By Jonathan Bare and Barbara Vera Torres
as against Al. Ringling Brewing, Joseph Colossa, and Donald Horowitz**

110. The plaintiffs reallege and incorporate herein by reference each of the allegations set forth in the preceding paragraphs.

111. Mr. Bare and Ms. Vera Torres provided valuable services to the defendants. Among other things, Mr. Bare provided his expertise in managing the Company and overseeing the remodeling of the Property. Ms. Vera Torres provided valuable services in the form of working for the Company and Museum as a food server and assisting with remodeling work as needed.

112. Neither Mr. Bare nor Ms. Vera Torres had a written employment contract with the Company, or provided such services pursuant to a lawfully binding contract or agreement.

113. Mr. Bare and Ms. Vera Torres were willing to provide such services because they believed that the defendants would act in good faith, and they would eventually receive fair compensation or other value in exchange for their services. Among other things, Mr. Bare believed that the value of his shares in the company would appreciate as a result of the services he provided, that the company would eventually provide him with a fair wage or salary in exchange for serving as its general manager. Ms. Vera Torres similarly reasonably believed that providing services without pay, or with lesser compensation than she would normally expect, she would receive full time employment from the Company once full business operations commenced.

114. The defendants were aware of the expectations of the plaintiffs, and aware that the plaintiffs reasonably relied upon such expectations.

115. To date, the amount of compensation provided to Mr. Bare and Ms. Vera Torres is substantially lower than the value of the services they provided to the Company.

116. As a result of the services provided by the plaintiffs, the Company is currently operating as a viable and going concern. Further, as a result of the services provided by the plaintiffs, the value of the Property has been substantially increased, thereby providing a direct benefit to its owners -- Messrs. Horowitz and Colossa.

117. It is inequitable for the defendants to have retained these services without reasonable compensation paid for the services provided by the plaintiffs.

NINTH CAUSE OF ACTION
Injury to Business Reputation under Wis. Stat. § 134.01
By Jonathan Bare
as against Joseph Colossa and Donald Horowitz

118. The plaintiffs reallege and incorporate herein by reference each of the allegations set forth in the preceding paragraphs.

119. Mr. Colossa and Mr. Horowitz acted together in the firing and subsequently defaming of Mr. Bare and Ms. Vera Torres's reputations to the Company's other shareholders as well as the community.

120. Mr. Colossa and Mr. Horowitz fired and defamed Mr. Bare in order to obfuscate or otherwise hide Mr. Colossa's history of abusive, reckless, and criminal behavior.

121. By terminating Mr. Bare as general manager and conspiring to remove him as vice president, Mr. Colossa and Mr. Horowitz worked in concert to lie, manipulate, and mislead Mr. James for the purpose of acquiring his support.

122. Mr. Colossa and Mr. Horowitz's unlawful behavior exhibits malice insofar as such conduct exceeds an intent to gain a competitive advantage and constitutes an irrational desire to harm Mr. Bare for harm's sake.

123. Mr. Bare suffered and continues to suffer financial harm through the loss of his employment and devaluation of his shares in the Company.

TENTH CAUSE OF ACTION

Invasion of Privacy under Wis. Stat. § 995.50

By Barbara Vera Torres

as against Joseph Colossa, Al. Ringling Brewing and Al. Ringling Mansion

124. The plaintiffs reallege and incorporate herein by reference each of the allegations set forth in the preceding paragraphs.

125. The allegations more particularly described above constitute violations of § 995.50, Wis. Stats. by Defendants' intrusion upon the privacy of Ms. Vera Torres of a nature highly offensive to a reasonable person, in a place that a reasonable person would consider private.

126. Ms. Vera Torres had a reasonable right to be free from unlawful and unreasonable intrusions upon her privacy.

127. The unlawful invasion of privacy constituted actions in disregard to the privacy rights of Ms. Vera Torres relating to her right to be free from unlawful intrusions upon a place that a reasonable person would consider private, in violation of § 995.50, Wis. Stats., causing Ms. Vera Torres to suffer invasion of her privacy, emotional distress, mental anguish, stress, humiliation and harm to reputation and livelihood, all to her damage.

ELEVENTH CAUSE OF ACTION

Assault and Battery

By Barbara Vera Torres

as against Joseph Colossa, Al. Ringling Brewing and Al. Ringling Mansion

128. The plaintiffs reallege and incorporate herein by reference each of the allegations set forth in the preceding paragraphs.

129. The allegations more particularly described above constituted assault and battery by Mr. Colossa in that he intended to cause harmful and offensive contact with Ms. Vera Torres, bodily injury to Ms. Vera Torres, fear and imminent apprehension of such harmful and offensive contact, and/or believed that the consequences were substantially certain to occur from his conduct, and he made harmful and offensive contact with Ms. Vera Torres.

TWELTH CAUSE OF ACTION

Non-payment of wages under Wis. Chapter 109

By Barbara Vera Torres

as against Al. Ringling Brewing and Al. Ringling Mansion

130. The plaintiffs reallege and incorporate herein by reference each of the allegations set forth in the preceding paragraphs.

131. The allegations more particularly described above constitute violations of *Wis. Stat.* §§ 109.03, and 109.11, by Defendants' failure to compensate Ms. Vera Torres her earnings.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment from the Court as follows:

A. With respect to the above-stated claims insofar as permitted by law, an order pursuant to *Wis. Stat.* §§ 180.1430(2) and 180.1432 as well as the Court's equitable powers, permitting Mr. Bare and Mr. Grassman to put their shares to the defendants in exchange for payment at fair value; or, in the alternative an order for judicial dissolution requiring that the Company's assets be sold and divided pro rata among its shareholders following the payment of creditors and liabilities, including without limitation any liabilities arising from this lawsuit.

B. With respect to the above-stated claims insofar as permitted by law, an order awarding the plaintiffs their actual damages, including with respect to any consequential

damages, in an amount to be determined at trial, together with statutory post-judgment interest as permitted by law.

C. An order awarding the plaintiffs punitive damages, to the extent permitted by law, including without limitation for the defendants' intentionally tortious conduct, in an amount to be determined at trial.

D. An order enjoining the defendants from making further defamatory statements, and requiring them to remove, delete, or otherwise destroy any publicly printed defamatory statements, whether made in print or electronic form.

E. With respect to the above-stated claims insofar as permitted by law, an order pursuant to the Court's equitable powers as set forth in *Nationstar Mortg. LLC v. Stafsholt*, 2018 WI 21, ¶26, 380 Wis. 2d 284, 908 N.W.2d 784, awarding the plaintiffs their actual costs and attorneys' fees in light of the exceptional misconduct of the defendants in general, and Mr. Colossa in particular, giving rise to dominating causes of justice at issue in this dispute.

F. An order awarding the plaintiffs their costs and fees pursuant to Chapter 814, to the extent not already provided for above.

G. An order awarding plaintiffs compensatory damages based on their losses, pursuant to § 995.50(1)(b), Wis. Stats. and common law;

H. An order awarding plaintiffs punitive damages deemed sufficient to punish and deter the defendants from engaging in said tortious conduct now and in the future, pursuant to § 995.50(4), Wis. Stats. and common law;

I. An order awarding plaintiffs a reasonable attorney's fee and other litigation costs reasonably incurred, pursuant to § 995.50(1)(c), Wis. Stats.;

J. An order awarding plaintiffs damages for emotional pain, suffering, humiliation, embarrassment, and mental anguish, pursuant to § 995.50, Wis. Stats. and common law;

K. An order awarding plaintiffs damages for loss of wages, benefits, promotional opportunities, and other lost compensation, pursuant to § 995.50(1)(b), Wis. Stats. and common law;

L. An order requiring defendants to post in conspicuous places in their premises, a notice stating that they have been found to have violated the Civil Rights Acts of 1964 and 1991, and that the defendants will take corrective action;

M. An order awarding Ms. Vera Torres wages pursuant to *Wis. Stat.* §§ 109.03 and 109.11;

N. An order awarding Ms. Vera Torres her costs, disbursements and attorney fees reasonably incurred in prosecuting her wage claim pursuant to *Wis. Stat.* §§ 109.03, 109.11;

O. An order awarding Ms. Vera Torres increased wages pursuant to *Wis. Stat.* § 109.11;

P. A lien upon all property of the Defendants, real or personal, located in Wisconsin for the full amount of the Plaintiff's wage claim pursuant to *Wis. Stat.* § 109.09; and

Q. Such further relief as the Court may deem just and equitable.

Dated this 12th day of October, 2021.

s/ Alan C. Olson
Alan C. Olson, SBN: 1008953
Nicholas O. Yurk, SBN: 1095278
Attorneys for Plaintiffs
Alan C. Olson & Associates, S.C.
2880 S. Moorland Rd.
New Berlin, WI 53151
Telephone: (262) 785-9606

Fax: (262) 785-1324

Email: AOlson@Employee-Advocates.com