

White Man Sues Black Tap, Alleging Race-Based Hate Crime in Chelsea

Danforth Irwin claims he was punched because he is white

by [Serena Dai](#) | Aug 15, 2018, 10:46am EDT



A line outside of Black Tap in 2016 | Photo by [Nick Solares](#)

A white man who was punched by a black security guard at the Chelsea location of crazy milkshake purveyor **Black Tap** is suing the restaurant — claiming that the incident was “a racially-motivated assault” and hate crime where ownership is liable for damages.

According to the suit, **Danforth Irwin**, who is “medium height, average build, and white,” claims that around 4 p.m. on August 5, 2017, he tried to get into the 14th Street outpost, **which has since closed** due to a different lawsuit. Once there, Irwin asked to sit at an empty seat he saw at the bar, the complaint claims.

The hostess, though, allegedly said the spot was saved for a “friend” of the “security guard,” the complaint says. Irwin, “put off by the rudeness of the encounter” since Black

Tap doesn't take reservations, asked to speak to the manager, according to the complaint.

Shortly after, Irwin claims that the security guard went into his "personal space and aggressively berated him for no reason whatsoever"; he then alleges that he was "fearing for his safety," so tried to take a photo of the empty bar seat with his phone, the complaint says.

According to Irwin, the security guard then attacked him and "threw Irwin with force out of the restaurant" and eventually "beat Irwin on the left side of his face," the complaint says. During the incident, the guard allegedly said "today I lost my job because of you" and "why do you have to put a black man out on the street?" Irwin alleges this was "verbally abusing" him "based on his race." (It's not clear if the guard was actually fired at that moment; Irwin's attorney David Shapiro says he presumes that the guard simply thought his job was at risk.)

The guard was arrested for assault in the third degree, which is a misdemeanor; he then pleaded guilty to **disorderly conduct**, which is a violation and not a crime, according to the Manhattan District Attorney's office. He did not serve jail time and was fined \$95. His attorney did not respond to multiple requests for comment.

Although the guard was not convicted of a hate crime, Irwin is now arguing that the incident was in fact a "race-based assault" that classifies as a legal hate crime, and the restaurant is liable since it employed the guard.

He claims he suffered "seriously physical and emotional damages," and is suing Black Tap, owner **Joe Isidori**, the security firm **A.J. Melino & Associates**, and **248 Hospitality**, the company that owned the 14th street location, as well as its members.

In a statement, Black Tap says that it "did not operate or manage" that location during the incident and "we do not condone this behavior." The attorney for 248, which **recently settled** a lawsuit with Black Tap, declined to comment, and the security firm did not respond to multiple requests for comment.

Black Tap opened at 248 West 14th St., near Eighth Avenue, **in October 2015** and quickly became swarmed with people looking to photograph and eat the viral, over-the-top milkshakes. Long lines **were common**, with gates to keep people in check on the sidewalk and guards to help with line control.

Isidori has expanded since then, and earlier this year, the 14th street location was at the center of a \$25 million lawsuit, where the operators **claimed Isidori cut them out of growth**. It **was settled in June** for undisclosed terms, with Black Tap saying it had been a franchise all along. The outpost closed as a result.



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