

DAILY NEWS

STEAKHOUSE HIT WITH KILLER SUIT. WAITERS SERVE PAPERS AT MOB-SLAY RESTAURANT

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SPARKS ARE flying at the midtown eatery where mob boss Paul Castellano was famously gunned down before he could try the steak. Waiters at Sparks filed a class-action lawsuit in Manhattan Federal Court yesterday, accusing owners of the famed E. 46th St. steakhouse of forcing them to kick in a percentage of their tips to subsidize the wages of fellow employees. "I absolutely, categorically deny any such nonsense," said Sparks owner Michael Cetta. "I don't need to take pennies." But waiters say they've lost \$5 million since 2000 by being forced to share tips with bartenders, a dessert chef named Lucky and a wine cellar manager named Eugene. They say the restaurant skirts minimum wage laws by allowing them to accept tips. But the restaurant's 60 waiters claim they were never told they would have to share their tips with employees who don't wait on customers, said the complaint filed by attorney Louis Pechman. They accuse the restaurant of violating federal labor and wage laws. Gambino boss Castellano and his bodyguard were gunned down outside Sparks in December 1985 by a hit team sent by John Gotti, who took over as head of the crime family and died behind bars in 2002. tzambito@nydailynews.com