

# Suit claims McFadden's bar didn't want black patrons

By JASON NARK

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[narkj@phillynews.com](mailto:narkj@phillynews.com) 856-779-3231

Patrons can't wear "excessively baggy" clothes, hats or work boots at McFadden's Restaurant and Saloon, on 3rd Street near Willow, in Old City. Chains and pendants have to be tucked in, just not inside plain, white T-shirts, hooded sweatshirts or athletic jerseys.

According to a class-action civil-rights lawsuit filed yesterday in U.S. District Court, Philadelphia, the bar's general manager Walt Wyrsta, was even more blunt than the dress code recently.

"We don't want black people we are a white bar!" Wyrsta allegedly texted to another manager Oct. 28.

The suit, filed on behalf of bartender Michael L. Bolden, claims that McFadden's and its parent company, East Coast Saloons, have created a culture where "racism and racial segregation are not only tolerated, but mandated."

A manager on duty last night said that Wyrsta had left for the day, and declined to comment; and a woman who answered a number listed for East Coast Saloons, in New York City, also declined to comment. An attorney for McFadden's could not be reached.

Attorney Laura Mattiacci, who is representing Bolden, declined to comment or explain how she had obtained text messages and e-mails from McFadden's managers.

According to the complaint, only five of the bar's 75 employees are black, including Bolden and the "man and woman who work in the bathroom handing out towels." Bolden, 29, is a full-time lawyer with the nonprofit Community Legal Services, and has been employed at McFadden's since 2007.

The complaint alleges that in June, in an effort to draw bigger crowds during slow summer months, McFadden's hired Everett "Mr. Hollywood DJ" Jackson

and a promoter named "Alexis," both of whom are black. The move turned out to be a "resounding success," the complaint alleges, and many of the bar's new patrons on Wednesday nights were "non-white."

By August, however, McFadden's made deliberate steps to "dismantle" the Wednesday-night scene, the complaint alleges, as their usual crowd of "white individuals" was returning from college break or the Shore.

"I'm not really a good finger-pointer, but I did get the same vibe," said Jackson, 27, who is not a plaintiff. "Wednesday was a predominantly black crowd, and it was really weird how they pulled the Wednesday. We never had any fights or any incidents."

East Coast Saloons also owns Tavern on Broad, at Broad and Walnut streets, and McFadden's Ballpark, at Citizens Bank Park, which does not have a dress code listed on its website as does the 3rd Street location, and certainly allows athletic jerseys.

The complaint alleges that Wyrsta sent text messages to Kathryn Killian, the Wednesday-night manager, on Oct. 28 inquiring about the "demo" of the guest bartenders and patrons the previous night. "Darker than normal," Killian allegedly replied, according to the complaint.

Wyrsta, who could not be reached for comment, went on to chastise Killian in the text messages, the complaint alleges, telling her that "we are a white bar." Killian, in response, allegedly told Wyrsta, "I can't not allow people in the bar bcuz they're black."

Killian could not be reached for comment last night.

The following day, Wyrsta wrote Killian an e-mail, the complaint alleges, saying that the bar could not "go down the path of summer Wednesdays" because it had earned a bad reputation.

"So lets get back to basics and make the necessary changes by fading away that clientel from the bar and behind the bar," Wyrsta allegedly wrote.

Bolden claims that he was moved in August from his usual prized spot at the front bar to the bar in the back. He also began receiving fewer shifts, the suit alleges. Mattiacci filed a temporary restraining order against McFadden's on Bolden's behalf, to cease and desist their alleged discriminatory practices.