



lewd behavior.<sup>1</sup> To date, the stories of more than 25 women, whose professional interactions with Ailes spanned two decades, shockingly reveal that Ailes regularly used his position of power to threaten and control women in junior positions through sexual conduct, including, but by no means limited to:

- Laurie Luhn, a former FNC booker who alleged, *inter alia*, that for more than 20 years she was his sexual toy who he black-mailed with explicit photos and “psychologically tortured,” including by forcing Luhn to recruit young staffers for him and told her, “You are going to find me ‘Roger’s Angels.’ You’re going to find me whores.”
- Kellie Boyle, a communications consultant, alleges that Ailes retaliated against her after she rebuffed his sexual advances, and that Ailes told her, “You know if you want to play with the big boys, you have to lay with the big boys.”
- Rudi Bakhtiar, a former FNC correspondent who says that she was fired for complaining about sexual harassment, who alleges that Ailes demanded that she stand up for him during a job interview so he could see her legs and subsequently sent her miniskirts to wear at work.
- Shelley Ross, who alleges that Ailes told her that “loyalty” in the workplace is extremely important and that he believes that the best expression of loyalty comes in the form of a “sexual alliance.”
- Marsha Callahan, who alleges that Ailes told her that he would be able to advance her modeling career if she were willing to sleep with him, and also alleges that Ailes asked her on multiple occasions to lift up her skirt for him, as well as to wear a garter belt.

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<sup>1</sup> Although media outlets described Ms. Carlson’s lawsuit as the first public outing of Ailes’s disgusting and lewd behavior, *New York* magazine reporter Gabriel Sherman included in his 2014 biography on Ailes interviews with four women who described multiple instances where Ailes used his position of power to make unwanted sexual advances towards junior female employees. See <http://nymag.com/daily/intelligencer/2016/07/six-more-women-allege-ailes-sexual-harassment.html>; see also Gabriel Sherman, *The Loudest Voice in the Room: How the Brilliant, Bombastic Roger Ailes Build Fox News – and Divided a Country* (2014). After Ailes attempted to defame Ms. Carlson in response to her lawsuit, Mr. Sherman quickly hit Fox with a detailed report of at least six women who asserted similar claims against Ailes.

- Andrea Tantaros, who alleges that Ailes asked her to twirl for him, requested that she hug him and made comments about her body, including that she must look good in a bikini. Ms. Tantaros commenced an action in New York Supreme Court against Fox, Ailes, William (“Bill”) Shine, Dianne Brandi and Suzanne Scott. *See Tantaros v. Fox News Network, LLC, et al.*, Index No. 157054/2016 (New York County, Supreme Court of the State of New York).

3. The fallout from the women’s allegations was swift and severe. Shortly after Ms. Carlson’s complaint, Rupert Murdoch, the owner of Fox, demanded that Ailes step down. Thereafter, Fox’s internal investigation unearthed evidence that sexual harassment of women employees extended beyond Ailes and his immediate circle. Tragically, reports leaked about the number of women working for Fox’s various subsidiaries that, over the last decade, personally experienced or witnessed other women being subjected to intimidation and sex-based conduct at the hands of male managers, supervisors and co-workers throughout the company in various departments.<sup>2</sup>

4. For instance, Tamara Holder, a former on-air contributor at Fox News Latino (“Fox Latino”), allegedly notified Fox of sexual harassment claims relating to conduct by Francisco Cortes, a senior executive at Fox Latino that took place in early 2015. Purportedly, Fox and Ms. Holder entered into a settlement.<sup>3</sup>

5. Moreover, since Fox ousted Ailes, more women continue to file claims against Fox in connection with Ailes’ sexual harassment. Last week, Julie Roginsky, a current Fox contributor, filed a lawsuit against Ailes, Fox and Bill Shine, the network’s co-president,

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<sup>2</sup> See [http://www.nytimes.com/2016/09/06/business/media/roger-ailes-hints-at-suit-against-new-york-magazine.html?\\_r=0](http://www.nytimes.com/2016/09/06/business/media/roger-ailes-hints-at-suit-against-new-york-magazine.html?_r=0).

<sup>3</sup> See <https://www.nytimes.com/2017/03/08/business/fox-news-roger-ailes-sexual-assault-settlement.html>; <http://money.cnn.com/2017/03/09/media/fox-news-sexual-harassment/>.

asserting that she faced retaliation for rebuffing Ailes's sexual advances and for refusing to disparage Ms. Carlson.<sup>4</sup>

6. These women, former and current employees, describe shockingly similar stories about men in positions of power at Fox who used their power to satisfy personal sexually motivated desires. Such evidence is critical background to the claims alleged herein.

7. These cases reveal that for decades the top-down harassment began with Ailes and permeated the corporate culture. This corporate culture cultivated and fostered a company where male executives were emboldened to treat female employees as second-class citizens, subjecting them to blatant gender bias and a sexually charged hostile work environment.

8. Recent media reports suggest that Fox engaged in a pattern and practice of bullying women into silence for purposes of protecting the status quo environment that indulged male executives' sexual whims. The sheer number of women who allege to have been treated in a similar manner and the depths within Fox that such discrimination descended to, shows that Fox failed to take action despite the obvious conclusion that these sexual harassment incidents were reasonably related and likely systemic.

9. For purposes of identifying and demonstrating a sexual discrimination hostile environment claim, conduct that is reasonably related to a continuing pattern of gender discrimination is crucial. Here, the extent to which Fox executives, including the company's chief legal counsel, Dianne Brandi, acted in ways designed to allow Ailes and other men occupying influential positions at Fox, to engage in such conduct is horrific.

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<sup>4</sup> See <https://www.nytimes.com/2017/04/03/business/media/fox-news-roger-ailes-harassment-suit.html>.

10. Further, the extent of prior known abuses is relevant to the issue whether female employees at Fox reasonably believed that complaining would lead to serious retaliation, if not outright termination.

11. The claims of the many former female employees share another common theme relating to the knowledge and ratification of the sexual discrimination by key Fox executives. Repeatedly, the allegations include facts that the highest-ranking executives at Fox knew about the discrimination, actively participated in it, knowingly looked the other way, or expressly ratified the discrimination by working to cover up the discriminatory conduct and silence the employees.<sup>5</sup>

12. The importance of these repeatedly named individuals cannot be overlooked. Specifically, they are all senior executives at Fox that design and issue corporate policies and protocols that are then passed down to corporate subsidiaries and affiliates, including WNYW/Ch. 5 (“Fox5”). Notably, these same executives select the individuals who will run the affiliate and subsidiary entities, including Fox5.

13. By way of example only, in addition to Ailes, such individuals include Jack Abernathy, Bill Shine, Dianne Brandi, Mark Kranz, Denise Collins, and Suzanne Scott. Although Ailes and a number of other persons were exited from the Company after Gretchen Carlson came forward, the Company appointed Abernathy and Shine as the new “co-presidents” of Fox, a position they maintain today. Ms. Brandi remains as chief legal counsel and Ms. Collins continues to work as head of HR.

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<sup>5</sup> *Tantaros v. Fox News Network, LLC, et al.*, Index No. 157054/2016 (New York County, Supreme Court of the State of New York) (Doc. No. 2) (alleging that when Ms. Tantaros dared report Ailes’s sexually demeaning conduct to Bill Shine, he marginalized and dismissed her claims by stating that Ailes was “a very powerful man” and that “Tantaros needed to let this one go.”).

14. Recently, reports have surfaced that Fox has entered into settlement agreements with former female employees alleging claims against Bill O'Reilly ("O'Reilly"), another powerful and influential male at Fox. Reportedly, O'Reilly earns an annual salary of about \$18 million as the host of "The O'Reilly Factor," a weeknight political show. The New York Times ("The Times") reported that O'Reilly's value to Fox is huge, stating that from 2014 through 2016, his show generated more than \$446 million in advertising revenues.

15. On April 3, 2017, The Times broke a story that at least five women had received settlement payments from O'Reilly after making claims of sexual harassment from as far back as 2004. The Times reported that the payments totaled about \$13 million.

16. As part of The Times' investigation, purportedly the claims by the women showed a shocking pattern of sexual harassment by O'Reilly. Specifically, O'Reilly used his power and influence to cultivate mentoring relationships with select female employees, who he then offered advice and suggested he could help advance their careers. After gaining trust, O'Reilly then would pursue sexual relationships with them, causing some to fear that if they rebuffed him, their careers would stall.

17. Disturbingly, the allegations against O'Reilly are substantially similar to the claims against Ailes.

18. Upon information and belief, Ailes knew of O'Reilly's unlawful conduct but failed to discipline O'Reilly, as Ailes was busy engaging in the exact same behavior.

19. Additionally, as with settlements involving Ailes, the same key executives would have been involved in the execution and disbursement of settlements involving O'Reilly. For example, such individuals include Mark Kranz, Dianne Brandi and Denise Collins.

20. Significantly, media outlets are reporting that the US Attorney General's office in New York is investigating whether senior executives at Fox, on a systemic basis, entered into substantial settlement agreements with employees subject to discrimination at the Company, and failed to report the payouts accurately to regulators, as well as conceal the negotiated claims from respective Board of Directors and Trustees.

21. Notably, it is reported that Mark Kranz was offered immunity as part of the investigation.<sup>6</sup>

22. Fox has confirmed that it has "been in communication with the U.S. attorney's office for months."

#### **THE COMPANY CULTURE EXTENDS TO FOX5**

23. "Fox" is known throughout the world. In particular, the brand that is "Fox" is associated with a distinct corporate identity, an image presented to the world of a media business run by, and controlled by, Rupert Murdoch ("Murdoch"). Whether the name "Fox," "Fox News" or "News Corporation" is used to describe the Company, the public identifies the multinational mass media company with its original founder, Australian native Murdoch. Over the years, Murdoch evolved his hugely successful News Corporation or "News Corp." into an even larger, more powerful, mass media company. Murdoch achieved growth, in part, by creating an American cable and satellite television channel, Fox News Channel ("FNC") in 1996. Murdoch appointed Ailes to lead FNC, and Ailes did so without interruption until his recent downfall.

24. In press releases, Murdoch explained the creation of Fox as a tool to extend News Corp.'s "worldwide platform" for "Fox programming."

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<sup>6</sup> <http://nymag.com/daily/intelligencer/2017/03/the-trouble-at-fox-news-keeps-getting-worse.html>.

25. Under Ailes direction, Fox's influence grew as it infiltrated additional media channels, and along the way formed a number of affiliate entities, including wholly owned subsidiaries, limited liability corporations and partnerships. Today, the "Fox" name is synonymous with the companies run by Ailes, and still controlled by Murdoch and his adult sons, James and Lachlan Murdoch, and a select group of individuals who serve as directors on multiple boards run by the Murdochs.

26. The newsroom at Fox5 is part of the "Fox programming" and unquestionably, part of the Fox "brand."

27. When anchors at Fox5 deliver the news, they do so in compliance with the top-down policies and messaging that comes from the board of directors at Twenty-First Century Fox, its executive leaders, Murdoch, James Murdoch, Lachlan Murdoch, Bill Shine and Jack Abernathy.

28. Unfortunately, for Ms. Curanaj, Fox5 is led by Byron Harmon ("Harmon"). Upon information and belief, Harmon was hand-picked by Jack Abernathy to work at Fox5. In line with his superiors, Harmon has perpetuated a work culture where women are marginalized and regularly subjected to unequal treatment as compared to their similarly situated male colleagues.

29. Ms. Curanaj, hired by Fox5 in 2011 as a general assignment reporter, repeatedly has been denied a full time position by Harmon who has worked as Fox5's News Director since 2012. Harmon has also engaged in a campaign to reduce the number of shifts Ms. Curanaj receives, which directly affects her compensation. Once Ms. Curanaj became pregnant, Harmon's treatment of her only worsened.

30. The unlawful discriminatory motives underlying Harmon's treatment of Ms. Curanaj are demonstrated by his near constant use of discriminatory language that evinces bias

against women, pregnant women, older individuals, people of Balkan descent and individuals with illnesses, including, *inter alia*,

- Telling Ms. Curanaj that she cannot anchor because she is “not attractive enough.”
- Telling Ms. Curanaj that she “look[s] like shit” or that she “looks sick.”
- Providing full time reporter positions to at least eight less qualified employees, all of whom are substantially younger than Ms. Curanaj.
- Removing Sharon Crowley from her role as the main fill-in anchor on Fox5, and telling Ms. Crowley that she was “too old” to anchor and that she “look[ed] like a Midwestern soccer mom.”
- Expressing his belief to Ms. Curanaj, who he ignorantly believed to be of Albanian descent, when she is in fact from Montenegro, that “all Albanians are doormen or criminals.”
- Referring to Ms. Curanaj as “Miss Albania.”
- Suggesting to another female employee who became pregnant that she would rather “stay at home and spend time with [her] baby” than return to work.
- Warning a female employee who was recently promoted against becoming pregnant by saying, “I hope you are not planning on getting pregnant anytime soon.”

31. As detailed *infra*, Harmon authored a novel that depicts women as nothing less than sexual servants for the appetites of hungry, powerful men.

32. From the beginning of her interaction with Fox, Ms. Curanaj was exposed to the disgusting and unlawful double standard applied to women, especially women Ailes found attractive but who failed to submit to his desires. Specifically, despite Harmon’s opinion of her looks, Ms. Curanaj was attractive enough for Ailes to give her a “private interview” during which he had her stand up and twirl around for him. Ailes “liked” what he saw. During this

interview, Ailes explained that Fox's "recipe for success" is to make sure that the women on Fox are shown "from the feet up," meaning that their legs would be visible to the television audience. Ailes stated that, for this reason, it is "important [for female talent] to look good from head to toe." This interview is shockingly similar to events reported by other women who found themselves alone with Ailes in his office.

33. As detailed below, like the other women employees at Fox who feared coming public with their complaints, Ms. Curanaj believed that she was doomed to suffer under Harmon's discriminatory exercise of power. After the recent disclosure of her pregnancy, Ms. Curanaj was subjected to even more discriminatory conduct, and, disturbingly, following her protected complaints to Fox5 about her pregnancy related discrimination, Defendants reduced Ms. Curanaj's work schedule even further.

34. When Ailes departed from Fox in September 2016, 21st Century Fox's top executives, including the executive chairman, and James and Lachlan Murdoch, said that Fox was committed to "maintaining a work environment based on trust and respect."

35. Fox has broken this promise.

36. In connection with Ms. Curanaj's employment, Fox has allowed the senior executive in charge of its NYC affiliate, Harmon, to create a distrustful and gender based hostile environment where female employees, especially those of child-bearing age or who become pregnant, fear consequences for obtaining such status.

37. On December 14, 2016, this action was commenced. In her complaint, Ms. Curanaj requested declaratory, injunctive and equitable relief, as well as monetary damages, against Defendants for discrimination in violation of: (i) 42 U.S.C. § 1981 ("§ 1981"); (ii) the New York State Human Rights Law, New York Executive Law §§ 290 *et seq.* ("NYSHRL");

and (iii) the New York City Human Rights Law, New York Administrative Code §§ 8-101 *et seq.* (“NYCHRL”).

38. Following the filing of this action, a protected complaint, Fox has responded by subjecting Ms. Curanaj to unprecedented micromanagement, performance scrutiny and other retaliatory conduct meant to intimidate and cause further harm to Ms. Curanaj. Accordingly, her retaliation claims are amended to include further and continuing acts that took place subsequent to December 14, 2016.

### **JURISDICTION AND VENUE**

39. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 as this action involves federal questions regarding the deprivation of Plaintiff’s rights under federal law. This Court has supplemental subject matter jurisdiction over Plaintiff’s related state and local law claims pursuant to 28 U.S.C. § 1367(a).

40. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

### **ADMINISTRATIVE PROCEDURES**

41. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”) alleging violations of: (i) Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* (“Title VII”); (ii) Title VII as amended by the Pregnancy Discrimination Act of 1974 (“PDA”); and (iii) the Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101, *et seq.*, as amended by the ADA Amendments Act (the “ADA”).

42. On February 27, 2017, Ms. Curanaj received a Notice of Right to Sue from the EEOC.

43. Pursuant to NYCHRL § 8-502, Plaintiff will serve a copy of this Amended Complaint upon the New York City Commission on Human Rights and the New York City Law Department, Office of the Corporation Counsel within ten days of its filing, thereby satisfying the notice requirements of this action.

44. Plaintiff has complied with any and all other prerequisites to filing this action.

### **PARTIES**

45. Plaintiff Lidija Curanaj lives in Westchester County, New York. Plaintiff is employed by Defendants as a “Freelance Reporter.”<sup>7</sup> At all relevant times, Plaintiff met the definition of an “employee” under all applicable statutes.

46. Defendant Twenty-First Century Fox, Inc. is a corporation with its principal place of business in New York County, New York, and is duly organized and existing under and by virtue of the laws of the State of Delaware. At all relevant times, Twenty-First Century Fox, Inc. has met the definition of an “employer” of Plaintiff under all applicable statutes.

47. Defendant Fox Entertainment Group, LLC is a limited liability company with its principal place of business in New York County, New York, and is duly organized and existing under and by virtue of the laws of the State of Delaware. Fox Entertainment Group, LLC is a wholly owned subsidiary of Twenty-First Century Fox, Inc. In turn, Defendants Fox Television Stations, LLC and Fox News Network, LLC, are both wholly owned subsidiaries of Fox Entertainment Group, LLC. At all relevant times, Fox Entertainment Group, LLC has met the definition of an “employer” of Plaintiff under all applicable statutes.

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<sup>7</sup> Although Fox uses the title “Freelancer” or “Freelance Reporter,” Plaintiff is, and is treated as, an employee. She is paid on a W-2 with deductions made from her compensation, accrues sick and vacation days and is not permitted to work for any other television stations.

48. Defendant Fox Television Stations, LLC is a limited liability company with its principal place of business in New York County, New York, and is duly organized and existing under and by virtue of the laws of the State of Delaware. At all relevant times, Fox Television Stations, LLC has met the definition of an “employer” of Plaintiff under all applicable statutes.<sup>8</sup>

49. Upon information and belief, Defendant Byron Harmon is a resident of the State of New York. Byron Harmon is the News Director at Fox5.

### **FACTUAL ALLEGATIONS**

#### **I. Ms. Curanaj Applies For a Position with Fox News Channel and Is Sexually Harassed By Roger Ailes**

50. In or about February 2011, Ms. Curanaj met Roger Ailes at a dinner she attended with New York State Senator Gregory Ball.

51. Ailes took an immediate liking to Ms. Curanaj, and offered to bring her in for an interview for a position with Fox. Shortly thereafter, Ailes contacted Ms. Curanaj to schedule the interview, which ultimately took place in May 2011.

52. When Ms. Curanaj arrived at FNC’s New York City offices, she met with multiple FNC employees and executives, including Ailes and Bill Shine.

53. Initially, Ms. Curanaj met with these individuals in a group. However, following the group interview, Ailes invited Ms. Curanaj to “interview” with him privately.

54. During this private interview, Ailes insisted that Ms. Curanaj sit directly next to him on a couch in his office.

55. Ailes launched into a tirade about President Barack Obama, insisting that President Obama is a Muslim who had “ulterior motives” and was “working with the terrorists.”

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<sup>8</sup> As alleged, the various corporate entities operated as a single business enterprise for purposes of disseminating the Fox “brand” and Fox “programming message” to consumers. As such, the corporate Defendants are collectively referred to as “Fox.”

56. Ailes then shifted the discussion to explain what he described as FNC's "recipe for success." Specifically, Ailes told Ms. Curanaj that he always made sure that the women on FNC were shown "from the feet up," meaning that their legs would be visible to the television audience. Ailes stated that, for this reason, it is "important [for female talent] to look good from head to toe."

57. Ailes then asked Ms. Curanaj to stand up and "turn around" so that he could "see [her] from behind." This, of course, made Ms. Curanaj extremely uncomfortable, but, as requested, she stood up, quickly twirled around and sat back down.

58. Ailes leered at her and commented, "I like what I see."

59. The interview went well and Ailes indicated to Ms. Curanaj that she would soon receive an offer of employment. Indeed, she believed that Ailes intended to hire her.

60. Following Ms. Curanaj's private interview, Ailes reached out to Senator Ball, who had previously dated Ms. Curanaj.

61. Ailes did not ask Senator Ball about Ms. Curanaj's professional talents, abilities or qualifications.

62. Instead, Ailes asked Senator Ball whether Ms. Curanaj "put out," sexually.

63. To be clear, Ailes also asked Senator Ball, "how's the sex," in reference to Ms. Curanaj.

64. Senator Ball told Ailes that Ms. Curanaj was a "very nice girl," implying that she would not "put out" for Ailes. Shortly thereafter, Ailes called Ms. Curanaj and told her that he did not believe she was "ready" for FNC and suggested that she reach out to Fox's local stations instead.

65. Ms. Curanaj did not receive the position at FNC because Ailes determined that she would not submit to him sexually. Based on the temporal proximity between her private interview with Ailes, the call from Ailes to Senator Ball and Ailes' subsequent decision to not hire her, it was clear to Ms. Curanaj that she was "not ready" for FNC because of Ailes discovery that she would be unwilling to submit to him, sexually.

66. Ailes never said that he was dissatisfied with her abilities or qualifications, nor did he suggest that this was the reason she was "not ready."

67. Stunned by Mr. Ailes' statement, and aware that he had asked Senator Ball about her sexual proclivities, Ms. Curanaj was unable to ask him any further questions and hung up quickly. Thereafter, as instructed by Ailes, Ms. Curanaj reached out to local Fox stations for possible employment, specifically Fox5.

68. Unquestionably, through her experience with Ailes, Ms. Curanaj learned firsthand about the double standard applied to women at Fox. This experience, humiliating and demeaning, set the tone for her experiences at Fox5 under the supervision of Harmon.

## **II. Ms. Curanaj Is Hired By Fox5 and Subjected to Persistent Discrimination Throughout Her Employment**

69. Ms. Curanaj began working for Fox as a General Assignment Reporter for Fox5 on November 2, 2011.

70. At the time, she was hired as a "Freelance Reporter," instead of being hired as a permanent, full time employee.

71. Nonetheless, Ms. Curanaj was consistently scheduled to work four to five days per week.

72. Ms. Curanaj was a veteran of the television news industry, having previously worked for News 12 Westchester, WHNS TV – Fox Carolina and CBS as a reporter, anchor and network producer. During her five years at CBS, she was promoted four times.

73. Ms. Curanaj received numerous awards at these stations, including two Emmys, a first-place Associated Press award and two New York Press Club awards.

74. Thus, it is no surprise that Ms. Curanaj was immediately successful in her role at Fox5, and has continued to be extremely successful to this day.

75. Ms. Curanaj's success and career progression at Fox5, however, has been undermined every step of the way by Harmon, who was hired at Fox5 in 2012 and promoted to the position of News Director six months later.

76. Shortly thereafter, Ms. Curanaj – who is 38 years old – told Harmon that she wanted to be promoted to a full time position with a contract.

77. Although Harmon told Ms. Curanaj that she was “great” and “in the running” for a full time position, he proceeded to hire Liz Dahlem, who is eight years younger than Ms. Curanaj. In contrast to Ms. Curanaj's six years of anchoring experience and five years at Fox5, Ms. Dahlem was hired to anchor after only a brief stint as a freelancer.

78. At all relevant times, Harmon knew exactly how old Ms. Curanaj was because he specifically asked her.

79. When Ms. Curanaj asked Harmon why she was not selected for a permanent position, he told her that full time employees have to be able to anchor, and that she was not “anchor material.”

80. This was, of course, absurd, given that Ms. Curanaj has significant anchoring experience. Ms. Curanaj explained this and asked to take an anchor test.

81. Although Harmon agreed, he never actually set up the test. After repeatedly requesting that the test be set up, it was finally scheduled by Emad Asghar (“Asghar”), Fox5’s Assistant News Director. At all relevant times, Asghar knew exactly how old Ms. Curanaj was because he also specifically asked her.

**A. “Not Attractive Enough” To Anchor**

82. Ms. Curanaj performed very well during the anchor test, but when she asked Asghar what Harmon said about her performance, Asghar stated that while he knew that her performance was “great,” “it [was not] going to happen.” Meaning, Ms. Curanaj would not be permitted to anchor and, as a result, would not be hired as a permanent employee. Asghar told Ms. Curanaj that she was not “anchor material” as a result of how she looked. In response, Ms. Curanaj offered to get better makeup and clothes, which she did.

83. Ms. Curanaj then approached Harmon about this issue directly. Harmon told Ms. Curanaj that there was “no point” for him to even review her anchor test because he had already decided that she was not “anchor material.” Harmon told Ms. Curanaj that she would perhaps be a valuable asset at ABC or NBC, but “at Fox, you have to be especially attractive – just look at the women on Fox News.” He also said he could not risk executives at “Sixth Avenue,” the internal name for Fox’s 1211 Avenue of the America’s corporate office, seeing Ms. Curanaj “behind the desk even for just a minute,” because they ultimately had the final say on who could anchor, and Ms. Curanaj was not “Sixth Avenue” anchor material.

84. When pressed, Harmon told Ms. Curanaj that she was not “special” and “not attractive enough to be an anchor.”

85. Harmon told Ms. Curanaj that anchors must be “very attractive.”

86. Harmon's decision not to permit Ms. Curanaj to anchor, and therefore not to hire her full time, because she is "not attractive enough," is a transparent act of age and gender discrimination.

87. This decision reveals that Harmon's decision-making at Fox5 is based not on skills and qualifications, but rather on his own biases and beliefs as to what women should look like.

**B. Harmon's Demeaning Portrayal of Women**

88. Fox hired and promoted Harmon to lead Fox5 knowing that he published a "fictional" book in 2002, entitled "All the Women I've Loved." See Byron Harmon, *All the Women I've Loved* (2002). This "work of fiction" is a book about the sexual exploits of a character named "LeBaron," a male executive producer at a Fox5 affiliate in Washington, D.C.

89. Although categorized as mainstream fiction, Harmon's book is nothing less than a disgusting attempt at soft porn.<sup>9</sup> Including multiple characterizations of women as mere sexual toys whose role is to perform sexual favors to men, the book details how for men, getting married is like joining the federal "witness protection program."

90. By way of example only, the book contains the following passages:

Yes, negro, the eyebrow. Now answer my question or I'm revoking your p\*\*\*sy privileges.

Then he blew air kisses in her ear. Phoenix was hot and bothered. By the time he licked her neck while gently cupping her breasts from behind, Phoenix damn near came.

All I'm saying is this – look at you, man, cats dream about our lives. I ain't gay or nothing, but you're handsome...You're thirty-two years old, got a big-assed Lexus, and a phat town house. That's the shit young niggas dream about and why we

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<sup>9</sup> The book was made into a movie with the same title, "All the Women I've Loved." *See* <http://www.imdb.com/title/tt2047670/>.

worked so hard to get it. And now that you finally got it you want to punk out and turn in your playa card? **Fuck that, getting married is like joining the Witness Protection Program. It's the beginning of an unfamiliar new life with an unfamiliar new name: husband. And, bruh, I'm too selfish to be selfless.**

My d\*ck went from hard as a rock to soft as cotton candy. When I didn't move, Nia turned around and noticed my limpness.

“Oh hell naw, mother\*\*\*er! You wanted to f\*\*k, so we're gonna f\*\*k. Gimme that d\*ck.” **Nia got on her knees and proceeded to give me the best head I ever had.** I swear I saw birds and stars and shit floating around my head like in the cartoons. I was soon hard again, **but my knees were shaking like asses on lap dancers.**

Byron Harmon, *ALL THE WOMEN I'VE LOVED: A NOVEL*, 9-10, 35, 139 (2002).<sup>10</sup>

91. Many companies would be concerned about the message sent to female employees by promoting Harmon to such a leadership role in which he supervised countless women. Clearly, Fox executives, including Jack Abernathy, were not concerned that Harmon wrote and published a book that marginalizes and demeans women.

92. Similarly, Fox was not concerned whether his views would contribute to a work environment where women regularly felt like second-class citizens.

93. As evident, it is critical to know whether male executives at the highest level of Fox's corporate structure also openly engaged in conduct and statements that resulted in female employees being treated less-than similarly situated male employees. Such conduct inevitably would influence Harmon's understanding of what behavior towards women in the workplace was tolerated.

94. Facts about Ailes, O'Reilly and Fox's key executives directly relate to Ms. Curanaj's claims about whether the corporate culture at Fox endorsed male supervisors who

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<sup>10</sup> Some words were redacted in part due to their offensive nature.

fostered an environment that was openly hostile to women and whether Fox executives knew but chose to look the other way. Such facts, if true, would support Ms. Curanaj's belief that speaking out about gender discrimination not only would fail to remedy the conduct, but also would likely result in her termination.

**C. Harmon's Critique of Ms. Curanaj's Physical Appearance Contributed to the Gender Based Hostile Environment**

95. Understandably, Ms. Curanaj was upset and offended by Harmon's discriminatory statements, and asked him whether he thought she needed plastic surgery, and whether her nose was a problem for him.

96. Specifically, Ms. Curanaj offered to undergo rhinoplasty, take voice lessons and meet with a professional makeup artist, in an attempt to have the chance to anchor. Harmon responded by merely shrugging his shoulders.

97. In addition to repeatedly expressing his belief that Ms. Curanaj is generally unattractive, Harmon often tells Ms. Curanaj that she "look[s] like shit" or that she "looks sick."

98. Following one such occasion, Ms. Curanaj explained to Harmon that she has an illness, antiphospholipid syndrome, that is similar to lupus. In fact, as Harmon and others know at Fox5, Ms. Curanaj's immune-system illness can cause blood clots in her arteries, veins, as well as organs, including the kidneys, lungs and brain. This condition can cause multiple complications for women who are pregnant, and is responsible for miscarriages, stillbirths and high blood pressure.

99. On one occasion when Harmon felt entitled to tell Ms. Curanaj that she "looked like shit," she had suffered a miscarriage less than 24 hours before.

100. Ms. Curanaj told Harmon that the way he was scheduling her shifts was worsening the symptoms of her illness. For instance, unlike her colleagues, Ms. Curanaj would

often be scheduled to work an early morning shift on the days after she worked a late night shift. This prevented her from getting more than a few hours of sleep.

101. Harmon “solved” this problem by simply cutting Ms. Curanaj’s shifts due to her illness.

102. As a result, Ms. Curanaj often works only three days per week instead of four or five.

103. The decision to cut Ms. Curanaj’s shifts because of her illness is, of course, unlawful. Ms. Curanaj could have been accommodated by being given a regular schedule, but no one ever engaged in the interactive process with her.

**D. Not “Young Enough” to Anchor**

104. Since Ms. Curanaj joined Fox5, ten individuals have been hired or promoted to a full time position – Ms. Dahlem, Mac King, Allison Morris, Simone Boyce, Jennifer Lahmers, Zachery Keisch, Jessica Formoso, Joe Toohey, Jodi Goldberg, and Baruch Shemtov.

105. Each of these individuals is younger than Ms. Curanaj; some are younger by a decade or more. Of the ten individuals, only Ms. Morris had experience as an anchor, and Messrs. Toohey and Shemtov had no reporting experience.

106. Many were never employed by Fox5 as a Freelancer, and those that were held that position for only a few months before being promoted.

107. Ms. Curanaj has continued to ask Harmon for a full time position, and has received various inconsistent explanations as to why she has been passed over in favor of these eight younger, and less experienced, individuals.

108. At times, Harmon has said that full time employees need anchoring experience in New York City. However, he hired someone younger than Ms. Curanaj, who had no New York

City anchoring experience. When asked about this, Harmon changed his answer to say that his full time hires needed “recent” anchoring experience. As set forth above, eight of the ten hires had no anchoring experience.

109. All the while, however, Harmon has consistently expressed his belief that Ms. Curanaj is not attractive enough to anchor.

110. Harmon failed to subject the male employees hired to anchor, including Mac King, Zachery Keisch and Joe Toohey, to the same standard of physical attractiveness as women employees, including Ms. Curanaj.

111. In fact, Harmon has treated other older women reporters who he finds unattractive in a similar fashion.

112. By way of example only, prior to Harmon assuming the role of News Director, Sharon Crowley was the main fill-in anchor on Fox5. Shortly after he was named News Director, Harmon removed Ms. Crowley, who is over 40, from this position and told her that she was “too old” to anchor and by saying that she did not have the “right look,” that she “look[ed] like a Midwestern soccer mom,” and that everyone else outshined her. Upon information and belief, after Ms. Curanaj’s complaints became known, Ms. Crowley received a contract, a substantial raise, and her own special on Fox5. Upon information and belief, this was done to prevent Ms. Crowley from providing favorable testimony to Ms. Curanaj in this action.

113. As he does to Ms. Curanaj, in front of other employees, Harmon also openly tells Ms. Crowley that she “look[s] like shit” when he sees her without makeup. Harmon’s regular critique of Ms. Crowley, as well as other female employees, further contributed to a work environment where women were unlawfully subjected to gender based stereotyping and bias.

114. Despite her repeated requests, Harmon will not permit Ms. Curanaj to anchor very brief “cut-ins,” which he allows virtually every other reporter to do.

115. Harmon also refuses to feature her in promotional videos and regularly fails to recognize or compliment her significant accomplishments.

**E. “Miss Albania”**

116. Harmon has made numerous offensive and discriminatory comments about Ms. Curanaj’s nationality.

117. He repeatedly and openly referred to Ms. Curanaj as “Miss Albania.”

118. Incredulously, Harmon called her this without ever taking the time to find out that she is, in fact, from Montenegro.

119. He also asked Ms. Curanaj many times whether her family was connected with “the mob,” implying that Albanians, in general, engage in illegal business operations or operate outside the law. He told Ms. Curanaj that “Albanians love the mafia.”

120. Harmon also regularly expressed his belief to Ms. Curanaj that “all Albanians are doormen or criminals.”

121. Obviously, Harmon does not believe that Ms. Curanaj is capable of succeeding in a professional environment because he believed that she is Albanian – notwithstanding the fact that his bias and prejudice was more evident due to his apparent “confusion” between the two Balkan countries.

122. Clearly, her nationality factored into Harmon’s denial of a promotion from Freelancer to a full time position with a contract. Her national heritage worked to her detriment as Harmon used opportunities to reduce her hours (and thus her compensation).

123. Moreover, it is apparent that the fact that Ms. Curanaj is from Montenegro, and Harmon believed she was Albanian is, in part, why Harmon believes she is “not attractive enough” to anchor.

124. Ms. Curanaj told Harmon that his comments were offensive, and that her father worked very hard to become a property owner in America. Harmon expressed skepticism, saying “how is that possible,” and suggesting that Ms. Curanaj’s father could only have purchased property with the proceeds of criminal activity.

### **III. Ms. Curanaj Is Subjected to Egregious and Blatant Pregnancy Discrimination**

125. In late July 2016, Ms. Curanaj informed Asghar that she was pregnant.

126. Asghar stated that he would inform Harmon.

127. Ms. Curanaj was already aware that Harmon harbored bias against women who became pregnant while working for him.

128. For example, when Ms. Curanaj got married in the summer of 2012, Harmon disparagingly and inappropriately commented, “now that you’re in your 30s and married, you’re going to start having babies.”

129. Among Fox5 management, negative attitudes about pregnancy and bias against women were openly expressed. By way of example only, opinions and comments were made in the newsroom that included, “after these young girls [are hired], they get married,” and “turn 30,” and start “wanting babies” and “cause problems.”

130. Harmon has a history of failing to promote women who become pregnant or whom he believes may want to start a family.

131. Since Ms. Curanaj joined as a Freelancer, she is one of only two Freelancers that have not been promoted to a full time position. Stacey Delikat is the other.

132. Earlier this year, when Ms. Delikat was pregnant, she asked Harmon to accommodate her by providing a set schedule when she returned from maternity leave. This request was denied.

133. Moreover, Ms. Curanaj has heard that, in reference to Ms. Delikat's pregnancy, Harmon suggested that Ms. Delikat would rather "stay at home and spend time with [her] baby" than return to work.

134. It was also common knowledge in the newsroom that before Harmon promoted Teresa Priolo to a full time position, he warned her against getting pregnant by saying, "I hope you are not planning on getting pregnant anytime soon."

135. After she disclosed her pregnancy, Ms. Curanaj requested a regular schedule upon her return from her anticipated maternity leave.

136. She has been told that the station "will not be able to accommodate [her] request," and that she will not receive a set schedule when she comes back from maternity leave. Rather, it has been communicated her that she should call Fox5 after her pregnancy to see what can be "worked out."

137. Moreover, after disclosing her pregnancy, Ms. Curanaj was called into Harmon's office. Harmon, visibly furious, accused Ms. Curanaj of "talking shit" about him. He would not explain what Ms. Curanaj purportedly said or did.

138. Following disclosure of her pregnancy, Mr. Curanaj was taken off the weekend schedule at Fox5, which resulted in even fewer hours and less pay. Ms. Curanaj was told that this decision was made because of her pregnancy. Specifically, she was told by Asghar that if "something happened" to her on the weekend schedule, such as her having to go to the hospital, that he did not have a backup reporter to fill in. Although Ms. Curanaj assured Asghar that she

was fine physically and not expecting to go into labor until her due date, he refused to return her to the weekend schedule.

139. Moreover, Fox5 has made no effort to find Ms. Curanaj additional shifts during the week to make up for her lost weekend shifts.

140. Upon information and belief, after Ms. Curanaj's complaint was filed, Fox finally offered Ms. Delikat a contract to work as a staff reporter. Previously, Ms. Delikat worked as a freelancer in the same position as Ms. Curanaj. Upon information and belief, this was done to prevent Ms. Delikat from providing favorable testimony to Ms. Curanaj in this action.

**IV. Ms. Curanaj Puts Fox5 on Notice of Her Claims and Is Promptly Retaliated Against**

141. On Tuesday, November 8, 2016, Ms. Curanaj, through counsel, put Fox5 on notice of her claims of unlawful discrimination.

142. Immediately following receipt of Ms. Curanaj's complaints of unlawful discrimination, Fox5 began retaliating against her by significantly cutting her hours.

143. Since putting Fox5 on notice of her claims, Ms. Curanaj was scheduled to work only two days per week, less than ever before.

**V. Fox Retaliates Against Ms. Curanaj For Filing This Action**

144. Just days after this action was commenced, Ms. Curanaj and her performance suddenly became the focus of intense scrutiny and micromanagement by Fox. In contrast to pre-litigation conduct, Fox reacted to news of the filed complaint by subjecting Ms. Curanaj to unprecedented micromanagement and performance counseling on a nearly daily basis.

145. By way of background, when Ms. Curanaj is scheduled to arrive to work at 2:00 p.m., she calls in for her assignment at 1:00 p.m. Then, when she arrives at work, she either calls

in to the desk, or physically approaches the desk, to determine whether her assignment has changed.

146. On December 19, 2016, Ms. Curanaj called in at 1:00 p.m. and learned that she was assigned to sit on standby for breaking news. However, Ms. Curanaj's personal cell phone (which is essential for work) had stopped working. Thus, when Ms. Curanaj arrived at work at 2:00 p.m., she asked Frank Carlevatti ("Carlevatti"), a Fox5 Assignment Editor, whether she could go to the Verizon store to try to have her personal cell phone repaired. The Verizon store is one block from the office. After putting Ms. Curanaj on hold for a moment, Carlevatti replied, "of course, no problem." Nevertheless, very shortly thereafter, at 2:29 p.m., Peter Facini ("Facini"), a Managing Editor at Fox5, sent Ms. Curanaj an email that admonished her for going to the Verizon store.

147. Also on December 19, 2016, Facini attempted to belittle Ms. Curanaj in front of Executive Producer Amy Cohen when he angrily asked, "Lidia you're now on this Berlin story, did you know that?" However, Ms. Curanaj was aware of this assignment and Facini knew it. Specifically, Facini had already received an email from Ms. Curanaj wherein she acknowledged that she was assigned to the Berlin Christmas Market Attack.

148. On December 16, 2016, Facini sent another email indicating he was tracking her every move. Specifically, when she stepped out momentarily to go to a store, Facini sent her an admonishing email. Of course, Ms. Curanaj was well within her rights to stop briefly into a store as would any employee on a break be entitled to enter a store. Moreover, her performance was exemplary that day as Ms. Curanaj was able to complete her story a full half hour before it was slotted to air.

149. Prior to commencing this action, Ms. Curanaj's minute-by-minute whereabouts had never been questioned by Facini or anyone else at Fox.

150. Additionally, on December 13, 2016, Facini sent Ms. Curanaj a disapproving email wherein he chastised her for referring to a school in a story as "HM Milnes Elementary School," rather than "HB Milnes Elementary School." However, as Facini knows, he checked and approved Ms. Curanaj's script for the very segment about which he complained. Moreover, Facini made it a point to state that the principal of the school called to complain. However, on December 15, 2016, the subject of one of Ms. Curanaj's stories called Facini to tell him that Ms. Curanaj did fantastic work on the story. Facini never told Ms. Curanaj about the laudatory call.

151. Notably, prior to this litigation and the exercise of her protected complaints, Ms. Curanaj did not receive emails from Facini that critiqued her performance, much less attempted to micro-manage her every second at Fox5. Defendants' intent is clear: create a paper trail in an effort to justify an impending discriminatory and retaliatory termination.

152. After she filed her complaint, Ms. Curanaj learned that Asghar "announced" her lawsuit to the Fox5 team in multiple meetings. Ms. Curanaj was told that immediately following one of Asghar's "announcements," which occurred during the December 14, 2016 3:00 p.m. meeting, the entire newsroom spent the rest of the afternoon talking about Ms. Curanaj. Asghar's announcements were designed to alienate and ostracize Ms. Curanaj, and they have succeeded in doing so. Indeed, hardly anyone in the newsroom will even speak with Ms. Curanaj following these announcements.

153. In late December, Ms. Curanaj received for the first time, emails and work schedules that suggested Defendants were attempting to limit the availability of her allotted sick

days, vacation days or other paid time off (“PTO”). Such conduct similarly indicates that Fox5 intends to impede her benefits or otherwise unlawfully retaliate against her for speaking out.

154. Following these events, Ms. Curanaj promptly placed Fox5 on notice that its conduct was retaliatory, unlawful and meant to hinder and negatively affect Ms. Curanaj’s work performance. In response, Fox5 proceeded to engage in further retaliatory conduct.

155. For example, Facini continued to monitor Ms. Curanaj’s time in an unprecedented manner. On December 26, 2016, Facini attempted again to create a paper trail to suggest that Ms. Curanaj was “missing” or not performing work that she was required to do. Specifically, Ms. Curanaj arrived and reported in at the assignment desk at 2:00 p.m. She was told that a story had not been assigned to her yet. At approximately 2:42 p.m., Facini sent her a frantic email telling her to report to a certain location for a story. Within one or two minutes after sending the email, Facini called Ms. Curanaj on her cell. At the time, however, Ms. Curanaj was in the women’s bathroom. Concerned that something important had happened, Ms. Curanaj called him back from a stall in the bathroom. Thereafter, she ran to the newsroom to meet Facini to learn that the purported “emergency” was not even breaking news and another Fox5 employee was already on the scene. Additionally, announcements were made over the intercom system paging Ms. Curanaj while she was in the bathroom.

156. Given that Ms. Curanaj was in the final trimester of her pregnancy, she should not have had to worry each time she needed to use the bathroom that Facini would be attempting to accuse her of poor performance or absence from work. Unquestionably, he could have asked other coworkers where she was, checked her desk to see her things were there or waited for her to respond via email before making intercom announcements and frantically calling.

157. Facini instituted this micromanaging behavior only after the case was filed. In addition to trying to intimidate and bully her, Facini's continued micromanaging of Ms. Curanaj reveals a desperate attempt to fabricate an anticipated claim that Ms. Curanaj is a low performing employee.

158. In early January 2017, Ms. Curanaj learned that Joe Ciccone, a Fox5 photographer/editor, was telling coworkers that Harmon said the following things to him in connection with Ms. Curanaj's protected complaints:

- **“Lidia isn't winning a penny,”**
- **“Lidia is a liar looking for a payout,”**
- **“The case is being dismissed and then she'll be fired,”**
- **“Anyone who backs her up will go down too because she has no case,”  
and**
- **“She's never going to get another job in TV again.”**

159. These statements purportedly made by Harmon were explicit threats meant to retaliate against Ms. Curanaj as well as intimidate and influence current employees about the lawsuit. Such remarks further indicate that Defendants are attempting to dissuade other similarly-situated women employees, pregnant or not, from coming forward with claims supporting Ms. Curanaj. Messaging to employees that **“anyone who backs [Ms. Curanaj] up will go down too”** is sufficient to deter reasonable employees from asserting rights.

160. Ms. Curanaj placed Fox5 on notice about the retaliation set forth above on January 9, 2017. In response, Defendants claimed that management simply did “not make” any disparaging comments about the case and told employees that they are to continue working with her as if the lawsuit had not been filed. To the contrary, the above comments cast doubt on any

purported neutrality expressed by Defendants when discussing the case and lend support to Ms. Curanaj's claims of retaliation.

**VI. Fox Is Responsible For Harmon's Conduct**

161. The cases against Ailes and O'Reilly, two of the most prominent figures associated with Fox, show that gender discrimination was practiced at the highest levels of the organization, reverberating its way through the corporate chain. The sheer number of women alleging claims, as well as the number of years in which the alleged abuse occurred are critical to demonstrate what conduct, as it relates to women, was tolerated and fostered by Fox and the reasonableness of the claim that such top-down discrimination reached the most senior executives at Fox affiliate television stations, including Fox5.

162. The corporate culture at Fox was not department specific. Rather, corporate policy decisions were centralized at "Sixth Avenue" and then issued to the related entities.

163. Reasonably, Harmon interacted with "Sixth Avenue" on a regular basis. Such information is in Fox's possession, not Ms. Curanaj's possession. Similarly, Harmon was aware of the way Ailes and O'Reilly, and other influential men at Fox, interacted with female employees.

164. The protocol surrounding what is considered acceptable treatment of women at Fox came from the highest authority at Fox – Ailes. Moreover, based on the recent revelations in the media about the number of secret settlements between Fox and female employees, whether for O'Reilly or Ailes, it is clear that other senior executives were fully aware of what was happening.<sup>11</sup> Specifically, Dianne Brandi has been the chief legal counsel at Fox for more than

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<sup>11</sup> See <https://www.nytimes.com/2017/04/01/business/media/bill-oreilly-sexual-harassment-fox-news.html>.

18 years. Mark Kranz acted as the CFO, and a trusted confident of Ailes, since at least 2006. Moreover, Denise Collins has acted as the head of HR for more than 15 years.

165. As recently alleged in an action filed in the Supreme Court for New York, County of the Bronx, *Tichaona Brown, et al. v. Twenty-First Century Fox, Inc., et al.*, Index No. 22446/2017E (Bronx County, Supreme Court of the State of New York), at least three black women allege that the Controller and SVP of Accounting, Judith Slater, blatantly engaged in vicious and atrocious racial discrimination in front of all executives based on the second floor of “Sixth Avenue,” including Ailes, Bill Shine, Dianne Brandi, Denise Collins and Mark Kranz.

166. Here, evidence will be uncovered that shows Fox corporate executives managed and controlled the affairs of Fox with the intent that its corporate brand is viewed as a single business, a national multimedia giant, and part of the “Fox worldwide platform” of news dissemination. Because Fox represents itself as one organization, the fact that Fox5 operates within the construct of a limited liability corporation, cannot shield Fox from corporate responsibility. For instance, if Fox created Fox Television Networks to take advantage of favorable tax positions, or corporate regulatory and banking laws, such status fails to distance Fox from the conduct of Harmon, a man hired by Fox and who continues to work as an agent for Fox.

167. Because Harmon acted as an agent for Fox, and acted within the scope of his agency, Fox is responsible for his discrimination of Ms. Curanaj, including the fostering and perpetuation of a sexually charged, hostile work environment at Fox5.

168. Moreover, as part of Fox’s press release when Ailes was fired, Murdoch announced that Jack Abernethy and Bill Shine would replace Ailes and serve as Co-Presidents. Murdoch announced that Abernethy and Shine would report to Murdoch. In these press releases,

Murdoch said that Abernathy would oversee Fox's 28 owned and operated stations in the nation's largest television markets, including Fox5.

**FIRST CAUSE OF ACTION**  
**(Discrimination and Hostile Work Environment in Violation of § 1981)**  
*Against All Defendants*

169. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

170. Defendants have discriminated against Plaintiff on the basis of her race and/or ethnicity in violation of § 1981 by, *inter alia*, denying her a full time position, cutting her hours and subjecting her to a hostile work environment because of her race and ethnicity.

171. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of § 1981, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

172. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of § 1981, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

173. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of § 1981, for which Plaintiff is entitled to an award of punitive damages.

**SECOND CAUSE OF ACTION**  
**(Retaliation in Violation of § 1981)**  
*Against All Defendants*

174. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

175. Defendants have retaliated against Plaintiff on the basis of her protected complaints by, *inter alia*, cutting her hours even further.

176. Additionally, as set forth above, after this action was commenced, Defendants engaged in further and continuing retaliatory acts that took place subsequent to December 14, 2016, and are continuing.

177. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of § 1981, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

178. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of § 1981, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

179. Defendants' unlawful retaliatory actions constitute malicious, willful and wanton violations of § 1981, for which Plaintiff is entitled to an award of punitive damages.

**THIRD CAUSE OF ACTION**  
**(Race, Ethnicity and National Origin Discrimination**  
**and Hostile Work Environment in Violation of the NYSHRL)**  
*Against All Defendants*

180. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

181. Defendants have discriminated against Plaintiff on the basis of her race, ethnicity and national origin in violation of the NYSHRL by, *inter alia*, denying her a full time position, cutting her hours and subjecting her to a hostile work environment because of her race, ethnicity and national origin.

182. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

183. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

**FOURTH CAUSE OF ACTION**  
**(Age Discrimination and Hostile Work Environment in Violation of the NYSHRL)**  
***Against All Defendants***

184. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

185. Defendants have discriminated against Plaintiff on the basis of her age in violation of the NYSHRL by, *inter alia*, denying her a full time position, cutting her hours and subjecting her to a hostile work environment because of her age.

186. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

187. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

**FIFTH CAUSE OF ACTION**  
**(Disability Discrimination and Hostile Work Environment in Violation of the NYSHRL)**  
***Against All Defendants***

188. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

189. Defendants have discriminated against Plaintiff on the basis of her disability and/or perceived disability in violation of the NYSHRL by, *inter alia*, denying her a full time

position, cutting her hours and subjecting her to a hostile work environment because of her disability and/or perceived disability.

190. Defendants have also discrimination against Plaintiff on the basis of her disability by failing to accommodate her.

191. Defendants have also discrimination against Plaintiff on the basis of her disability by failing to engage in the interactive process.

192. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

193. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

**SIXTH CAUSE OF ACTION**

**(Gender Discrimination and Hostile Work Environment in Violation of the NYSHRL)  
*Against All Defendants***

194. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

195. Defendants have discriminated against Plaintiff on the basis of her gender in violation of the NYSHRL by, *inter alia*, denying her a full time position, cutting her hours and subjecting her to a hostile work environment because of her gender.

196. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

197. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

**SEVENTH CAUSE OF ACTION**  
**(Pregnancy Discrimination and Hostile Work Environment in Violation of the NYSHRL)**  
***Against All Defendants***

198. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

199. Defendants have discriminated against Plaintiff on the basis of her pregnancy in violation of the NYSHRL by, *inter alia*, denying her a full time position, cutting her hours and subjecting her to a hostile work environment because of her pregnancy.

200. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

201. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

**EIGHTH CAUSE OF ACTION**  
**(Retaliation in Violation of the NYSHRL)**  
***Against All Defendants***

202. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

203. Defendants have retaliated against Plaintiff on the basis of her protected complaints by, *inter alia*, cutting her hours even further.

204. Additionally, as set forth above, after this action was commenced, Defendants engaged in further and continuing retaliatory acts that took place subsequent to December 14, 2016, and are continuing.

205. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

206. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

**NINTH CAUSE OF ACTION**  
**(Race, Ethnicity and National Origin Discrimination**  
**and Hostile Work Environment in Violation of the NYCHRL)**  
*Against All Defendants*

207. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

208. Defendants have discriminated against Plaintiff on the basis of her race, ethnicity and national origin in violation of the NYCHRL by, *inter alia*, denying her a full time position, cutting her hours and subjecting her to a hostile work environment because of her race, ethnicity and national origin.

209. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

210. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

211. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL, for which Plaintiff is entitled to an award of punitive damages.

**TENTH CAUSE OF ACTION**  
**(Age Discrimination and Hostile Work Environment in Violation of the NYCHRL)**  
***Against All Defendants***

212. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

213. Defendants have discriminated against Plaintiff on the basis of her age in violation of the NYCHRL by, *inter alia*, denying her a full time position, cutting her hours and subjecting her to a hostile work environment because of her age.

214. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

215. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

216. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL, for which Plaintiff is entitled to an award of punitive damages.

**ELEVENTH CAUSE OF ACTION**  
**(Disability Discrimination and Hostile Work Environment in Violation of the NYCHRL)**  
***Against All Defendants***

217. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

218. Defendants have discriminated against Plaintiff on the basis of her disability and/or perceived disability in violation of the NYCHRL by, *inter alia*, denying her a full time position, cutting her hours and subjecting her to a hostile work environment because of her disability and/or perceived disability.

219. Defendants have also discrimination against Plaintiff on the basis of her disability by failing to accommodate her.

220. Defendants have also discrimination against Plaintiff on the basis of her disability by failing to engage in the interactive process.

221. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

222. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

223. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL, for which Plaintiff is entitled to an award of punitive damages.

**TWELFTH CAUSE OF ACTION**  
**(Gender Discrimination and Hostile Work Environment in Violation of the NYCHRL)**  
***Against All Defendants***

224. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

225. Defendants have discriminated against Plaintiff on the basis of her gender in violation of the NYCHRL by, *inter alia*, denying her a full time position, cutting her hours and subjecting her to a hostile work environment because of her gender.

226. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

227. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

228. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL, for which Plaintiff is entitled to an award of punitive damages.

**THIRTEENTH CAUSE OF ACTION**  
**(Gender Discrimination and Hostile Work Environment in Violation of the NYCHRL)**  
***Against All Defendants***

229. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

230. Defendants have discriminated against Plaintiff on the basis of her gender in violation of the NYCHRL by, *inter alia*, denying her a full time position, cutting her hours and subjecting her to a hostile work environment because of her gender.

231. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

232. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

233. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL, for which Plaintiff is entitled to an award of punitive damages.

**FOURTEENTH CAUSE OF ACTION**  
**(Retaliation in Violation of the NYCHRL)**  
*Against All Defendants*

234. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

235. Defendants have retaliated against Plaintiff on the basis of her protected complaints by, *inter alia*, cutting her hours even further.

236. Additionally, as set forth above, after this action was commenced, Defendants engaged in further and continuing retaliatory acts that took place subsequent to December 14, 2016, and are continuing.

237. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

238. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

239. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL, for which Plaintiff is entitled to an award of punitive damages.

**FIFTEENTH CAUSE OF ACTION**  
**(Pregnancy Discrimination and Hostile Work Environment in Violation of Title VII)**  
***Against the Fox Defendants***

240. Plaintiff hereby repeats and re-alleges each and every allegation in all of the preceding paragraphs as if fully set forth herein.

241. Defendants have discriminated against Plaintiff on the basis of her gender and her status as pregnant in violation of Title VII by, *inter alia*, denying her a full time position, cutting her hours and subjecting to her to a hostile work environment because of her gender and status as pregnant.

242. Defendants violated Title VII by denying Plaintiff the same terms and conditions of employment available to employees who are not pregnant, including, but not limited to, subjecting Plaintiff to disparate working conditions and compensation.

243. Defendant also violated Title VII by creating and allowing a culture of gender discrimination to permeate Plaintiff's work environment. This hostile and abusive work environment was created by decisions, preferences and conduct engaged in by Defendant Harmon, as well as by Fox. The hostile work environment was promoted by Fox's continuous ratification of Defendant Harmon's conduct and its own conduct.

244. As a direct and proximate result of Fox's unlawful discriminatory conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm, including, but not limited to, loss of future income, compensation and benefits for which she is entitled to an award of damages.

245. As a direct and proximate result of Fox's unlawful discriminatory conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, emotional distress for which she is entitled to an award of damages.

246. Fox's unlawful and discriminatory actions constitute malicious, willful and wanton violations of Title VII, for which Plaintiff is entitled to an award of punitive damages.

**SIXTEENTH CAUSE OF ACTION**  
**(Retaliation in Violation of Title VII)**  
*Against the Fox Defendants*

247. Plaintiff hereby repeats and re-alleges each and every allegation in all of the preceding paragraphs as if fully set forth herein.

248. By the actions detailed above, among others, Defendants have retaliated against Plaintiff based on her protected activities in violation of Title VII by, *inter alia*, ignoring her protected complaints about the discriminatory treatment she was subjected to, including discrimination based on her gender and status as pregnant, and by engaging in retaliatory conduct after Plaintiff commenced this action, including by micro-managing her daily work and subjecting her to increased scrutiny.

249. Fox engaged in this conduct subsequent to and in direct connection with Plaintiff's protected complaints.

250. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm, including, but not limited to, loss of future income, compensation and benefits for which she is entitled to an award of damages.

251. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer emotional distress for which she is entitled to an award of compensatory damages.

252. Defendants' unlawful and retaliatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under Title VII, for which Plaintiff is entitled to an award of punitive damages.

**SEVENTEENTH CAUSE OF ACTION**  
**(Disability Discrimination, Retaliation and Hostile Environment in Violation of ADA)**  
***Against the Fox Defendants***

253. Plaintiff hereby repeats and re-alleges each and every allegation in all of the preceding paragraphs as if fully set forth herein.

254. Defendants have discriminated against Plaintiff on the basis of her disability, or perceived disability, in violation of the ADA. Defendants have discriminated against Plaintiff on the basis of her disability and/or perceived disability in violation of the ADA by, *inter alia*, denying her a full time position, cutting her hours and subjecting her to a hostile work environment because of her disability and/or perceived disability.

255. Defendants have also discrimination against Plaintiff on the basis of her disability by failing to accommodate her.

256. Defendants have also discrimination against Plaintiff on the basis of her disability by failing to engage in the interactive process.

257. After Plaintiff engaged in protected complaints about her disability, Defendants responded by subjecting Plaintiff to retaliatory acts, including as set forth above, excessive scrutiny of her performance and micro-managing of her work.

258. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the ADA, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.

259. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the ADA, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress for which she is entitled to an award of damages.

260. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the ADA, for which Plaintiff is entitled to an award of punitive damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendants, containing the following relief:

A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the United States and the State and City of New York;

B. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages;

C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory damages, including, but not limited to, compensation for her mental anguish and emotional distress, humiliation, embarrassment, stress and anxiety, loss of self-esteem, self-confidence and personal dignity, and emotional pain and suffering and any other physical and mental injuries;

D. An award of damages to be determined at trial, plus prejudgment interest, to compensate Plaintiff for harm to her professional and personal reputations and loss of career fulfillment;

- E. An award of punitive damages;
- F. An aware of liquidated damages;
- G. An award of costs that Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorneys' fees to the fullest extent permitted by law; and
- H. Such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: April 10, 2017  
New York, New York

Respectfully submitted,

**WIGDOR LLP**

By:  \_\_\_\_\_

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*Counsel for Plaintiff*