



Leading the Legal War Against Fox

So far this year, the lawyer Douglas Wigdor, a conservative Republican, has filed 11 suits against Fox News for defamation, sexual harassment and racial discrimination.

By ALAN FEUER SEPT. 22, 2017



It was late in April, not long after he had filed his first three lawsuits against Fox News and was gearing up to file three more that the lawyer Douglas Wigdor decided he needed a flow chart. His legal barrage against the network was getting confusing. Litigation was flying everywhere. It was leaping off his desk.

And so one day he sat down with some lawyers at his law firm in Manhattan, [Wigdor L.L.P.](#), and put together an Excel spreadsheet titled “Chart All Fox Litigation.” There were columns for the captions of the cases, for the names of the various plaintiffs, for motion deadlines and hearing dates. Five months later, after suing Fox again and again (then again and again and again), what started as a simple tool to organize his casework now looks more like a tactical battle plan.

In less than a year, Mr. Wigdor, a self-described conservative Republican, has filed 11 actions against Fox News, in three different courts in New York City, making claims of defamation, sexual harassment and racial discrimination on behalf of 24 individual plaintiffs. His efforts have amounted to a Normandy-like assault against the network that has threatened Fox News and its parent company, 21st Century Fox, with damages in excess of \$100 million. While other lawyers have handled more salacious cases against Fox — among them, those that led to the scandal-plagued departures of [Roger Ailes](#), Fox’s founder, and [Bill O’Reilly](#), its most successful host — Mr. Wigdor’s serial suits are surely the broadest and most sustained juridical attack on Fox to be mounted by a single private lawyer.

“My view of 21st Century Fox and Fox News is that from top to bottom there is a systemic culture of not only discriminating against people based on their gender and color, but also of retaliating against them when they stand up to voice complaints,” Mr. Wigdor said the other day, reaffirming the harsh assessment of the network he has made in his suits.

“Am I at war with Fox?” he added, repeating a question he was asked. “Yeah, I guess I am.”

Fox declined to comment on most of Mr. Wigdor’s rhetorical barbs, but last week it issued a statement needling him about the sort of skirmish he was waging.



The Fox News anchor Kelly Wright at a news conference announcing a class-action suit against Fox alleging racial bias. Credit Spencer Platt/Getty Images

allegations.

The accusations by Mr. Wigdor’s clients — former news anchors, former news analysts, former accounting department employees — have only deepened the portrait of a toxic culture. One of the people he

“If Doug thinks he’s at war,” the statement said, “why does he contact us every two weeks asking for millions (40 percent for him) in exchange for peace?”

Television viewers have long been familiar with Fox’s public product, but for more than a decade, there have also been persistent glimpses of its private culture as numerous women have come forward accusing men like Mr. Ailes — or the host Eric Bolling, who was [ousted this month](#) after sending lewd text messages to female colleagues — of predatory sexual misconduct. As Mr. Ailes did before he died in May, Mr. Bolling has denied the

represents, a regular guest political commentator, [says the network retaliated against her](#) after she lodged a rape claim against a Fox Business host. Another, a Bangladeshi payroll worker, says a colleague once referred to him as a “terrorist.” In lawsuits that run to nearly 300 pages, there are charges that the network fired a freelance reporter at Fox 5 News, its New York affiliate, after she became pregnant; that Fox’s former comptroller repeatedly ridiculed black and Hispanic colleagues; and that some Fox journalists [conspired with the White House to produce fake news](#).

The network has denied these charges and in each of the cases has promised to “vigorously defend” itself. On Monday night, it filed a motion to dismiss the fake news suit, calling it “without merit and legally insufficient.” Two days later, one of the defendants in the suit asked a court to professionally sanction Mr. Wigdor for having whipped up a media frenzy over what he claimed was a “false narrative.” Using the media is one of his favorite tactics, and he has on occasion included details in his complaints — [about his defendants’ sex lives, for example](#) — that are sensational and embarrassing but not necessarily legally relevant.

At 48, Mr. Wigdor has found himself as the courtroom general leading an army of Fox complainants largely because of his reputation as one of New York City’s most aggressive employment lawyers. During his career, he has filed gender discrimination suits against Deutsche Bank and Citigroup (both of which, like many of his lawsuits, were settled without a claim of liability), and an age and racial bias suit against The New York Times. In June, [he sued Uber](#), alleging that officials at the company illegally sought the medical records of a woman who claimed she was raped by an Uber driver in India. (An Uber spokesman has apologized that the plaintiff had to “relive” the experience.) And in 2013, after he sued SoulCycle, charging that the indoor cycling studio had cheated an instructor out of his wages, [the company banned him from all of its locations](#). So he sued over that, too, and lost.

But despite the fact that he has repeatedly taken on corporate giants, Fox may be his toughest target yet. In February, the network fired Judith Slater, the former comptroller, who is accused of racial animus by many of his clients. The network since maintained that Mr. Wigdor’s lawsuit naming Ms. Slater was “needless” and that his follow-up amended suits were “copycat complaints.” In April, days before one of those amended suits was filed, Mr. Wigdor said that Fox’s lawyers threatened to “seek sanctions” against him if his new plaintiffs went public with their claims. (A lawyer for Ms. Slater said that Mr. Wigdor’s claims against her “rely on false allegations” and were nothing more than a “money grab.”)

The threats have not just come from Fox itself. This spring, Mr. Wigdor held a televised news conference in which he announced additional plaintiffs in an expanding racial bias suit against Fox. Minutes after the event was aired, the police said a man called his office threatening to blow it up. When the man called back, Mr. Wigdor got on the phone with him. Mr. Wigdor said the man called him a “nigger lover,” adding he was going to kill him and his family. Mr. Wigdor called the police, who eventually identified the caller as Joseph Amico, a computer repairman from Las Vegas.

Within three weeks, two New York detectives had traveled to Las Vegas to arrest Mr. Amico, but a standoff ensued when he refused to leave his home. After several hours, a local SWAT team broke into the house and found Mr. Amico in the attic.

Mr. Amico’s lawyer, Todd Spodek, said his client would fight the charges. “In this political climate,” Mr. Spodek said, “people are so worked up about the issues that it’s very easy for words to be misunderstood and hysteria to take place.”

Slim and sinewy, with a disarmingly focused gaze, Mr. Wigdor says he has always had a passion for competition. He is a regular tennis player (and claims that while in law school he gave lessons to Alan

Greenspan, a future chairman of the Federal Reserve). He bikes each day from his home in Forest Hills, Queens, to his law firm on lower Fifth Avenue. While working on a master's degree at Oxford University, where he met his wife Catherine, he played starting point guard on its 1995 national champion basketball team.



Outside Fox News headquarters in Manhattan on April 19, the day Bill O'Reilly was forced out of Fox. Credit Drew Angerer/Getty Images

his friend — and, eventually, the Brooklyn district attorney. And so in 2003, well before Mr. Thompson ran for office, the two men formed the firm that still exists today.

One of their biggest cases came in May 2011 when they were hired by [Nafissatou Diallo](#), an African-born hotel maid who accused the French politician Dominique Strauss-Kahn of sexually assaulting her while he was visiting Manhattan. Though the criminal proceeding was a disaster — the charges against Mr. Strauss-Kahn [were dropped](#) within months and Ms. Diallo was dragged through a particularly nasty patch of New York media mud — Mr. Wigdor later settled a civil suit against Mr. Strauss-Kahn, the terms of which were not disclosed. It stood as an important moment in Mr. Wigdor's education in the politics of gender litigation.

“Doug is very knowledgeable about sexual assault and sexual harassment in a way that is extremely rare for men,” said the lawyer Lisa Bloom, who came to know him while she was representing three women who accused Bill O'Reilly of sexual misconduct. “He is really very woke on feminist issues.”

Starting in 2013, after Mr. Thompson was elected, Mr. Wigdor ran the firm on his own. His casework since has been prolific — and, it should be said, not unhelpful in boosting his name recognition. He has [settled](#) a so-called “shop-and-frisk” lawsuit against Macy's that claimed minority customers were singled out for criminal suspicion when entering the store; he has also settled claims that Starbucks discriminated against a disabled employee. Earlier this month, he [filed suit against James L. Dolan](#), the owner of Madison Square Garden, on behalf of Charles Oakley, a former New York Knicks star, who claimed that “petty insecurities” led Mr. Dolan to ban him from the Garden. Making a complaint that is often lodged against Mr. Wigdor, a spokesman for the Madison Square Garden Company called the lawsuit “frivolous.”

Mr. Wigdor's Fox News suits started in December when Lidija Ujkic, a reporter for the local affiliate Fox 5, came to see him after hearing about a settlement he had reached between Goldman Sachs and a female employee who claimed she had been demoted after getting pregnant. Ms. Ujkic said that much the same had happened to her at Fox.

Mr. Wigdor took the case and by March had filed another suit, alleging racial bias at the network. In April, [11 new plaintiffs joined it](#), including Kelly Wright, the only black male anchor at Fox News. What followed

“That sort of thing flowed very naturally into litigation,” Mr. Wigdor said while sitting in his office, with its typical, if self-promotional, quilt of framed news clippings “Frankly, from a very young age, I've had visions of myself in a courtroom.”

After working for the Suffolk County district attorney's office and clerking for a federal judge, Mr. Wigdor joined the New York law firm Morgan, Lewis & Bockius, where he mainly defended corporations accused of workplace discrimination. He didn't like protecting big companies against their own employees; nor did one of his colleagues at the firm, a young man named Ken Thompson, who became

was a kind of beachhead assault: he sued Fox two more times that month, three times in May, once in July and again last week. His most recent suit opened with a typically Wigdorian flourish: “Fox’s hubris appears to have reached an all-time high.”

But his biggest lawsuit arguably came in August. Rod Wheeler, the private detective at the center of Fox News’ [questionable coverage of the death of Seth Rich](#), a young Democratic aide, retained him after reading about his battles with the network. Mr. Wheeler had a bombshell claim: a Fox reporter working in conjunction with a wealthy Trump supporter — and, he said, with the knowledge of the White House — had fabricated quotations from him in an article as part of a scheme to blunt speculation about the president’s ties to Russia.

Many lawyers are content to let their paperwork speak for them, but in the middle of his flurry of litigation, Mr. Wigdor opened a new and seemingly damaging front in his war against the network. At his own expense, he flew to London in May to testify in front of British regulators who were trying to determine [whether 21st Century Fox was “fit and proper”](#) to acquire the satellite broadcaster Sky. Mr. Wigdor said it was not, making his case in a 167-page memo. Before flying back to New York City, he lobbed a last extralegal bomb at his antagonists. In a series of interviews with the British media, he started referring to the network as “18th Century Fox.”

If all of this sounds personal, it is. While Mr. Wigdor stands to make a fortune if his lawsuits are successful, he seems less interested in collecting contingency fees — he is already a wealthy man — than in pursuing what amounts to a crusade.



In 2011, Kenneth P. Thompson, left, and Mr. Wigdor represented Nafissatou Diallo, a hotel maid, in a sexual assault case against Dominique Strauss-Kahn, the managing director of the International Monetary Fund. The charges against Mr. Strauss-Kahn were later dropped. Credit Lucas Jackson/Reuters

In April, as he was getting ready for his big litigious push, Marc Kasowitz, a lawyer for Mr. O’Reilly (and, intermittently for years, for Mr. Trump) [issued a statement](#), saying he had recently uncovered evidence that “the smear campaign” against the Fox News host was being “orchestrated by far-left organizations bent on destroying O’Reilly for political and financial reasons.”

Mr. Wigdor, who represents Juliet Huddy, a former Fox reporter who has accused Mr. O’Reilly of harassment, took the statement to be aimed in part at himself. “I issued a statement back,” he said, “saying that if that’s really true, then someone needs to tell me about it, as a Trump supporter and a lifelong Republican.”

While his backing of the president has raised a few eyebrows in his social circle — Lisa Bloom described it coyly as his “one big flaw” — Mr. Wigdor has not been shy about declaring his support for Mr. Trump. During the campaign, he gave Mr. Trump \$40,000 and voted for him in both the primary and general elections. A photograph of him and Mr. Trump in South Carolina hangs on his office wall — not far from another of him and Hillary Clinton.

Nonetheless, some of Mr. Wigdor’s friends and colleagues do not quite understand how a man with his conservative bent can spend so much time and energy attacking the nation’s pre-eminent conservative media outlet. Mr. Wigdor countered that his legal war with Fox has not emerged in spite of his conservatism, but because of it.

“As a conservative, at the end of the day, equality, dignity and respect for others, including for employees, are of paramount importance,” he said. “When you couple that with not reporting in an ethical manner and coming up with fake news, it causes great concern. What Fox is doing, while voicing conservative values, undermines everything it says.”

Mr. Wigdor is trying to change that dynamic. Like most lawsuits, his are seeking monetary damages, but he also said he wants to win structural concessions from the network. He would like 21st Century Fox to fire the top executives who, in his mind, have allowed a culture of discrimination to persist. He added that the network should establish policies requiring managers to be graded on promoting diversity, install an ombudsperson to keep the company compliant with anti-discrimination laws and add more minorities to its board of directors. Currently, [the board has 13 members](#) — 10 are white men; one is a woman.

But he is not the first — nor the most powerful — agent to try to reform Fox News. In 2005, the Equal Employment Opportunity Commission brought an action against the network settled by [a consent decree](#), the terms of which required Fox to give its employees anti-discrimination training and to put in place anti-harassment and anti-retaliation policies.

Fox says that in recent months it has brought in new female executives and revamped its human resources department, hiring mostly women.

Could Mr. Wigdor bring further changes?

He wasn't sure. He said that in the early months of his campaign, he gave Fox “the benefit of the doubt that it could change,” but he added he was disillusioned when Mr. Ailes left the network with a \$40 million payout and Mr. O'Reilly followed with as much as \$25 million.

“If it were my company and all of these things had come out, in no way, shape or form am I going to pay them \$60 million,” he said. “To me, it gives you an insight into how this company is being run. That's why I refer to them as 18th Century Fox.”