

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
LOS ANGELES DISTRICT OFFICE¹**

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BERNADETTE ZILIO, :
 :
 Complainant, : EEOC Charge No. _____
 :
 v. : DFEH Charge No. _____
 :
 EHM PRODUCTIONS INC., WARNER BROS. : **SUPPLEMENT TO CHARGE OF**
 ENTERTAINMENT INC., HARVEY LEVIN, SHYAM : **DISCRIMINATION AND**
 DODGE and ROSS MCDONAGH, : **RETALIATION**
 :
 Respondents. :
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Complainant Bernadette (“Bernie”) Zilio, by and through her attorneys, and for her Charge of Discrimination against Respondents EHM Productions Inc. (“EHM” or the “Company”), Warner Bros. Entertainment Inc. (“Warner Bros.”), Harvey Levin, Shyam Dodge and Ross McDonagh (together, “Respondents”),² hereby alleges as follows:

PRELIMINARY STATEMENT

1. In 2014, BuzzFeed published an article titled *The Down And Dirty History of TMZ* that detailed the “long-held rules” that Harvey Levin was willing to break to create his “gossip empire” and transform himself into “the most feared man in Hollywood.”



¹ This Charge of Discrimination is being filed with the U.S. Equal Opportunity Employment Commission (“EEOC”) and being cross-filed with the California Department of Fair Employment and Housing (“DFEH”).

² As set forth below, Respondents Levin, Dodge and McDonough are only Respondents under the California State law claims.

2. Included among the rules that Mr. Levin was willing to break to become a media mogul are the federal and state anti-discrimination laws.³ The article explained that to achieve his success, Mr. Levin fostered a “tolerance of misogyny, both within the workplace and on the site and television show.” The article explained the misogynist editorial mode “validated a posture of sexism and degradation toward women.” Nearly a dozen former employees interviewed for the article – both male and female – confirmed that Mr. Levin allowed unlawful sexism and discrimination to thrive at the media companies he managed. Unfortunately, even after this exposé, Mr. Levin still tolerated and condoned a sexist and misogynistic work environment where women who opposed this environment were abused or abruptly terminated.

3. Ms. Zilio, who worked at TMZ and its sister website, TooFab, (both owned and operated by EHM and Warner Bros.) from 2015 through 2020, is one of these female employees forced to suffer this unlawful environment. As detailed below, Ms. Zilio, along with her female colleagues, was belittled and abused, held to different and more stringent standards, excluded from business and social interactions in which only male employees participated, denied advancement opportunities, and retaliated against when she resisted the sexist and misogynistic ways.

4. Ms. Zilio regularly discussed with her female colleagues the sexist and discriminatory work environment which they described as:

- **A “boys’ club”**
- **“100% a bro fest”**
- **“Freaking frat house”**

³ A copy of the article can be found at <https://www.buzzfeed.com/annehelenpetersen/the-down-and-dirty-history-of-tmz>.

5. The Glassdoor reviews from former and current employees also contain similar sentiments, including numerous reviews in the last few years describing EHM as an:

- **“Extremely sexist work environment”**
- **The “most sexist management I’ve ever experienced”**
- **“Extremely male-centric, Trump-level dude-bro culture”**
- **“Very much a ‘boys club’”**

6. In addition to the discriminatory work environment, Ms. Zilio’s complaints on behalf of herself and her female colleagues about the unlawful treatment were met with retaliatory discipline and abuse. Incredibly, Ms. Zilio was terminated within a few days of Warner Bros. and EHM’s Human Resources (“HR”) telling Ms. Zilio that it rejected her complaints about the sexist and misogynist treatment, and instead accepted the excuses her male supervisors gave for the differential treatment.

7. Following Ms. Zilio’s termination, Ms. Zilio raised further complaints – this time that her termination was retaliation for having filed internal complaints of discrimination. In response, Respondents threatened Ms. Zilio that they would sue her if she proceeded with her claims and sought to inform the public about her experiences. The message was clear – Respondents were trying to keep her quiet and threatened her with financial ruin if she did not comply. This was obviously intended to intimidate her and dissuade her from seeking justice.

8. Accordingly, Ms. Zilio brings this Charge of Discrimination before the EEOC to redress Respondents’ unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (“Title VII”) and before the DEFA to address violations of the California Fair Employment and Housing Act, Cal. Gov. Code § 12900 *et seq.* (“FEHA”).

PARTIES

9. Ms. Zilio is a former employee of EHM and a resident of the State of California. At all relevant times, Ms. Zilio met the definition of an “employee” under all relevant statutes.

10. Respondent EHM Productions Inc. is a California corporation with its principal place of business at 3500 W. Olive Avenue, Burbank, CA 91505. EHM Productions Inc. has over 200 employees and operates under the trade names TMZ and TooFab. TMZ and TooFab are among the several television and online media programs operated under Warner Bros.’ subsidiary, Telepictures, which also produces television and online media programs for Ellen DeGeneres. At all times relevant herein, EHM Productions, Inc. was Claimant’s “employer” under all relevant statutes.

11. Respondent Warner Bros. Entertainment Inc. is a Delaware corporation and has an office of business at 4000 Warner Blvd., Burbank, CA 91522. Upon information and belief, Respondent Warner Bros. exercised control over Claimant’s working conditions, maintained records related to Claimant’s employment and had the power to hire and fire Claimant and authorize other disciplinary action against Claimant and other EHM employees. Warner Bros. has over 10,000 employees, and at all relevant times herein, met the definition of Claimant’s “employer” under all relevant statutes as a joint employer.

12. Respondent Harvey Levin was at all relevant times the founder and Executive Producer of EHM. The claims against Mr. Levin are based on his official capacity under Title VII and in his official and individual capacity under the FEHA because he aided and abetted the discriminatory harassment against Ms. Zilio and her female colleagues.

13. Respondent Shyam Dodge was at all relevant times the Managing Editor of TooFab. The claims against Mr. Dodge are based on his official capacity under Title VII and in

his official and individual capacity under the FEHA because he aided and abetted the discriminatory harassment against Ms. Zilio and her female colleagues.

14. Respondent Ross McDonagh was at all relevant times a Senior Producer at TooFab. The claims against Mr. McDonagh are based on his official capacity under Title VII and in his official and individual capacity under the FEHA because he aided and abetted the discriminatory harassment against Ms. Zilio and her female colleagues.

FACTUAL ALLEGATIONS

I. BACKGROUND

15. In May 2015, Ms. Zilio graduated from the University of Florida with a bachelor's degree in telecommunications, media and society.

16. In June 2015, Ms. Zilio moved to Los Angeles to start a three-month internship at TooFab – TMZ's pop culture sister news website and a division of EHM.

17. As an intern, Ms. Zilio learned about the different positions at TooFab, helped schedule and provide questions for celebrity interviews and pitched and wrote her own articles for TooFab's website.

18. Ms. Zilio proved to be a talented employee, and after her internship ended, she secured a position as a Production Assistant ("PA") for TMZ.

19. The PA team has approximately 10-12 employees at any given time, nearly all of whom are women (most of whom are young and conventionally attractive).

20. However, despite the predominant female presence amongst the junior employees, the PAs all reported to a male head PA Coordinator.

21. Shortly after Ms. Zilio started, the PA Coordinator position became available and it was given to the only male on the PA team, Andrew Gurnsey.

22. Mr. Gurnsey was a recent hire who was less qualified than most of the female PAs, including Elyse Edge, who wanted, and was far more deserving of, the head position.

23. The male PAs later hired to the team were also quickly moved into more substantive positions, while Ms. Zilio and most of the other female PAs with more tenure had to wait more than a year before being promoted into another better position.

24. The predominantly female PA team coupled with the quick promotion of male PAs demonstrates a sexist view that women are more suited to perform a PA's predominantly administrative tasks (including note taking, transcription, coffee runs, answering phones and even delivering food to Harvey Levin's home), while the position is a stepping-stone for men who are more suited to perform substantive work.

25. In addition, if a female PA made a mistake, she would be berated and demeaned.

26. By way of example only, Ms. Zilio was assigned to answer Mr. Levin's phone while his assistant was on a break.

27. On one occasion, Ms. Zilio accidentally dropped a call as she tried to transfer the caller to Mr. Levin as he was shouting to ask the caller's name.

28. Mr. Levin immediately went over to Ms. Zilio, raised his voice and reprimanded her, and had Ms. Zilio permanently removed from that responsibility for this one mistake.

29. Despite the roadblocks that Ms. Zilio faced as a female PA, after a year and half as a PA, Ms. Zilio secured an Associate Producer position at TooFab.

II. MS. ZILIO BECOMES AN ASSOCIATE PRODUCER FOR TOOFAB

30. In February 2017, Ms. Zilio was selected to fill an open Associate Producer position for TooFab.

31. Ms. Zilio was selected for the position because of her prior experience at TooFab and the positive relationship she developed with Brian Particelli (Senior Producer) who helped launch TooFab and hired Ms. Zilio for her internship.

32. Around this time, Ms. Zilio also started appearing regularly on “TMZ on TV” as part of the on-camera talent and soon appeared on the show daily until her last day.

33. Ms. Zilio heard rumors from several people that she was selected for the show because they wanted a “young, attractive woman.”

34. Initially, Ms. Zilio reported to Joseph Kapsch (TooFab’s Managing Editor), who was hired only a few months before Ms. Zilio joined.

35. Ms. Zilio and Arati Patel, who was hired around the same time as Ms. Zilio, were the only Associate Producers on the team, while the two Senior Producers, Mr. Particelli and Greg Gilman, were both men.

36. There was also a female intern, Madison Brodsky, who was eventually hired as an Associate Producer, a female Social Media Coordinator, Christine Linnell, and a female Photo Editor, Kayla Aldecoa.

37. Mr. Kapsch’s mood was erratic, and he would often go from being calm to yelling in a matter of seconds. Mr. Kapsch routinely insulted and screamed at Ms. Zilio, as well as made derogatory comments about her to the other staff members.

38. Among the many examples, Mr. Kapsch:

- Once told Ms. Zilio shortly before she was to go to an on-site interview that her outfit was “**hideous**” and that she looked like a “**lesbian**.”
- Said that Ms. Zilio was “**so insecure**” and chose to be friends with the “**fattest and ugliest girls in the office**” to make herself feel better.

- Said that Ms. Zilio “**thinks she’s so hot, but she’s nothing in L.A.**”

39. Mr. Kapsch also called Ms. Zilio and the other female staff demeaning names.

Mr. Kapsch frequently used the terms “**Dumb,**” “**Stupid,**” “**Terrible,**” “**Useless,**” “**Worthless,**” and “**Idiots**” to describe Ms. Zilio and her female colleagues.

40. In one email to the entire staff, Mr. Kapsch wrote that “**monkeys could do a better job.**”

41. After the insults and name calling, Ms. Zilio and her female colleagues frequently went someplace private to cry, for fear that showing their emotions in front of their male boss would only reaffirm his stereotyped view of women.

42. Ms. Zilio also sought counseling and medication to deal with the abusive environment.

43. Meanwhile, Mr. Kapsch never treated any of the male staff in anything close to resembling an abusive and insulting manner.

44. Around August 2017, Ms. Zilio had a short reprieve from Mr. Kapsch’s wrath because he went on medical leave for five weeks because of rumored drug or alcohol use.

45. Unfortunately, upon his return from leave, Mr. Kapsch picked up where he left off and his mood swings and abusive treatment continued.

46. In September 2017, Ms. Patel was terminated. Ms. Patel frequently complained to Ms. Zilio about how demeaning Mr. Kapsch was toward her and the female staff.

47. In November 2017, Ms. Linnell, who also complained about Mr. Kapsch’s conduct, left after working less than a year and was replaced by Lauren Rouchou.

48. Ms. Zilio decided that she had to do something about Mr. Kapsch’s treatment as her mental and physical health deteriorated. Ms. Zilio drafted a 10-page document with

examples of how Mr. Kapsch treated her and the other female staff and provided it to Jessica Fusco (Head of TMZ Production).

49. The document was shared with Stuart Alpert (TMZ's General Manager), and the then-Human Resources ("HR") representative (a position that seemed to be like a revolving door).

50. Ms. Zilio never heard back after submitting the document and she is unaware of anything done to address Mr. Kapsch's abusive treatment of the female staff.

51. Mr. Kapsch was eventually fired at the end of 2017. Mr. Kapsch's termination came shortly after he was rude toward Andy Mauer (TMZ's Tour Manager), who is also Mr. Levin's boyfriend/partner.

52. Had Mr. Kapsch not made this mistake, he likely would have continued to yell at and insult the female staff without any repercussions.

III. SHYAM DODGE IS HIRED AS THE MANAGING EDITOR AND CULTIVATES A BOYS' CLUB ENVIRONMENT

53. In May 2018, Shyam Dodge was hired as TooFab's Managing Editor.

54. At this time, Ms. Brodsky had left TooFab and was replaced with Paige Catton, who had previously worked as a TMZ PA.

55. Although Mr. Dodge did not have mood swings like Mr. Kapsch, he still proceeded to treat Ms. Zilio and the other female staff with condescension and derision.

56. Specifically, but only as an example, Ms. Zilio asked Mr. Dodge during one of the first team meetings why he wanted to reduce emphasis on an area of TooFab's website that typically drove the most page views.

57. Immediately after the meeting, Mr. Dodge reprimanded Ms. Zilio for being "defensive" to his decision and told her that she "betrayed" him.

58. Mr. Dodge further instructed Ms. Zilio that it was not okay to give him any kind of “pushback.”

59. Ms. Zilio was surprised by his response, but she feared the type of wrath and hostile treatment that she was used to.

60. Therefore, Ms. Zilio did her best to please Mr. Dodge and get his permission before doing anything, as well as let him take credit for her many good ideas.

61. In return for her submissive attitude, Mr. Dodge complimented Ms. Zilio’s work and told Ms. Zilio he was “proud” of her and that she was “one of the strongest writers on the team.”

62. In January 2019, Mr. Dodge fired Mr. Gilman and shortly thereafter replaced him with Ross McDonagh.

63. Mr. Dodge and Mr. McDonagh worked together at The Daily Mail and the two were very close friends.

64. In the first team meeting after Mr. McDonagh joined, Mr. McDonagh interrupted Ms. Zilio as she was introducing herself and said, “Hi, I’m Bernie, and I am an alcoholic!”

65. Ms. Zilio was confused and offended by this comment, but she ignored it and continued with her introduction.

66. Ms. Zilio became uncomfortable with the articles that Mr. McDonagh started writing, which strayed away from the website’s usual celebrity and pop culture news stories.

67. In one article, Mr. McDonagh offensively compared Rihanna catching bronchitis – and the “attack on her lungs” – to Rihanna being attacked by Chris Brown.

68. Ms. Zilio believed the Rihanna article made light of domestic violence, which it did.

69. On one occasion, Ms. Zilio confronted Mr. Dodge via Slack about what she felt was an improper and overly sexualized characterization of a woman in an article, and he immediately went over to Ms. Zilio and brought her to a conference room.

70. There, Mr. Dodge asked, “Are you sure you don’t just have it out for Ross because you are jealous of his position and feel like you should have it?”

71. Ms. Zilio explained that was not the case, and she explained that Mr. McDonagh’s recent articles made her feel uncomfortable because they joked about domestic violence or were overly sexual.

72. Mr. Dodge defended Mr. McDonagh and dismissed her concerns.

73. After the meeting, Ms. Zilio noticed that Mr. Dodge started to find ways to punish her for complaining about Mr. McDonagh.

74. On March 21, 2019, Mr. Dodge caught a minor error while editing one of Ms. Zilio’s articles where she took a quote from a People Magazine article that was not in the original source article, but found in a subsequent article about the original one.

75. This was not a major mistake as reporters commonly rely on other trustworthy and reputable publications to have the correct quotes.

76. However, Mr. Dodge targeted Ms. Zilio for no legitimate reason.

77. On April 23, 2019, Mr. Dodge told Ms. Zilio to write a story about Scott Disick’s new house-flipping show.

78. After writing the article, Mr. Dodge told Ms. Zilio the tone of the article was too positive and promotional.

79. She asked for clarification, which prompted Mr. Dodge to lean over Ms. Zilio’s desk and yell at her loudly for giving him “pushback.”

80. Mr. Dodge also yelled that she could not refuse an assignment – which is not even what Ms. Zilio was doing.

81. Ms. Zilio was shocked at Mr. Dodge’s reaction and started to cry at her desk.

82. After Mr. Dodge walked away, Ms. Zilio messaged Latricia Ward (HR representative) and asked to stop by her office.

83. Ms. Ward responded that she was available, but as Ms. Zilio walked over to her office, Mr. Dodge quickly went in and shut the door.

84. Ms. Zilio went back to her desk and later visited Ms. Ward.

85. Ms. Zilio told Ms. Ward that Mr. Dodge yelled at her to the point it made her cry and she believed he was trying to do damage control by going to Ms. Ward’s office before they had a chance to speak.

86. Ms. Zilio also explained that she was sad and frustrated about how the work environment worsened since Mr. McDonagh joined.

87. Ms. Zilio also told Ms. Ward about how Mr. Dodge sided with Mr. McDonagh when she had complained about his sexist and offensive articles and felt like she was being punished for doing so. Ms. Ward said she would follow up within a few days.

88. After work, Ms. Zilio texted her family about what happened that day. In the text message, Ms. Zilio explained that there was an incident that morning (referring to Mr. Dodge’s outburst) that caused her to go to HR and report “**sexism, belittlement, preferential treatment and lies running rampant on [her] team.**”

89. Ms. Zilio also expressed her concern about being terminated but wrote that she “**couldn’t sit back and allow [herself] and the women who keep this team afloat to continue to feel like absolute garbage.**”

90. Ms. Zilio had a second meeting with Ms. Ward and Gina Shaw, (Director of HR at Warner Bros.).

91. In the second meeting, Ms. Zilio expanded upon how she felt the team was divided along gender lines and explained that Mr. Dodge had meetings with only the male staff and would not tell any of the female staff if he was late, left the office early or called out for the day.

92. Ms. Zilio also explained that the men socialized among themselves and were often seen laughing after an apparent joke.

93. Finally, Ms. Zilio relayed her discomfort with some of Mr. McDonagh's articles that she thought were offensive and sexist. Ms. Ward told Ms. Zilio that HR would investigate and speak to everyone on the team to get a "feel of what was happening," and assured Ms. Zilio there was a no-retaliation policy.

94. The HR investigation took about two weeks to complete. Mr. Dodge barely spoke to or acknowledged Ms. Zilio during that two-week period.

95. Ms. Zilio had trouble sleeping, eating and focusing because she feared she would be terminated – as it was well-known that women who complained to HR risked being terminated.

96. On April 30, 2019, before leaving the office for a planned vacation, Ms. Ward asked Ms. Zilio to come into the office the next morning before her flight to meet her, Ms. Shaw and Jason Beckerman (Head of Business and Legal Affairs).

97. Ms. Ward told Ms. Zilio that the purpose of the meeting was to conclude their investigation.

98. On May 1, 2019, Ms. Zilio met with Ms. Ward, Ms. Shaw and Mr. Beckerman. Ms. Ward explained that they had “completed their research” and spoke to “every team member,” but – as is a universal truth in virtually every internal HR and legal investigation – they did not find any evidence of gender bias.

99. However, they did find a major divide on the team, which they said they would be addressing. Ms. Zilio was confused about how they did not find gender bias when the divide was along gender lines.

100. Ms. Zilio knew that Ms. Catton, Ms. Aldecoa and Ms. Rouchou also told HR that men on the team were held to different standards and that the females were excluded both with respect to business matters and socially.

101. Ms. Zilio asked what was going to be done, and Ms. Ward told her that they were “still working that out.”

IV. MS. ZILIO IS SCRUTINIZED, REPEATEDLY SCOLDED AND REPRIMANDED FOR COMPLAINING ABOUT MR. DODGE

102. After returning from her trip, Mr. Dodge announced that “we” would be moving desks to “boost morale.”

103. However, the only change made was Mr. Dodge moving his desk directly next to Ms. Zilio – this was precisely the opposite of what Ms. Zilio wanted and no one ever bothered to ask whether she wanted to sit next to the person who she had accused of harassment.

104. In the following weeks, Ms. Zilio was called into two separate meetings to be scolded.

105. Ms. Zilio first met with Mr. Alpert, who loudly asked to meet with Ms. Zilio alone after a staff meeting where he told everyone present, “Shyam [Dodge] is your boss. You listen to him and function as one, or you leave.”

106. Mr. Alpert reiterated this message in the meeting alone with Ms. Zilio and told her that she had to listen to Mr. Dodge. Ms. Zilio was not given an opportunity to explain how she felt and left the meeting in tears – yet again.

107. Shortly thereafter, Ms. Zilio met with Mr. Levin, which is the only time that Ms. Zilio had ever met with him alone. Mr. Levin repeated the same message as Mr. Alpert, and Ms. Zilio also left this meeting in tears.

108. Ms. Zilio felt that both meetings occurred because she had complained to HR and the message to her was clear – to stop complaining.

109. In May 2019, Ms. Zilio worked alone with Mr. McDonagh on a Saturday. Mr. McDonagh told Ms. Zilio, while editing one of her articles, that he found a quote that was changed from the original source article in the New York Post’s Page Six.

110. Ms. Zilio explained that she changed the quote because it was obvious to her that it was incorrect in the Page Six article.

111. Mr. McDonagh told Ms. Zilio that she should not have changed the quote even if it looked like it was an error.

112. Not above being corrected, Ms. Zilio said “okay” and said it would not happen again.

113. On the following Monday, Mr. Dodge met privately with Ms. Zilio and scolded her for changing the quote in the article.

114. Soon thereafter, Ms. Zilio was called into a meeting with Mr. Dodge and Ms. Shaw about her purported writing issues and “overall demeanor.”

115. The examples given were only the prior misquotes from People and Page Six articles.

116. This meeting, with HR present, was clearly only further retaliation since the two mistakes mentioned paled in comparison to the mistakes that the male staff made each week.

117. In fact, TooFab regularly receives emails from the public about factual and spelling errors in articles written by the male staff.

118. As an example, Mr. McDonagh once wrote an article claiming that a girl died by legal euthanasia even though she died from starvation.

119. As another example, Mr. McDonagh wrote a story about a murder at a “Disney” gated community even though the community had no relation to Disney.

120. Mr. McDonagh was not scolded about these serious errors, let alone called into a meeting with HR to discuss them.

121. Of course, Mr. McDonagh had never raised any complaints of gender discrimination.

122. After the meeting, Ms. Zilio was careful not to do or say anything to upset Mr. Dodge or Mr. McDonagh out of fear of further retaliation.

123. Ms. Zilio allowed Mr. McDonagh to take full credit for assignments in a weekly Google Doc submitted to Mr. Alpert, even though the assignments were often reassigned to her and Ms. Catton after Mr. McDonagh put his name on the assignment.

124. Ms. Zilio also agreed on her day off to write an article on The Real Housewives of Orange County after Mr. Dodge explained, “This isn’t really in Ross’ area of expertise.”

125. Ms. Zilio’s article ended up being the top story on Chartbeat, a company that tracks the popularity of online articles and provides other data and analytics to publishers.

126. Ms. Zilio does not remember being commended on the popularity of her article, nor was she commended when her other articles received significant attention.

127. Meanwhile, Mr. Dodge frequently sent messages congratulating the male staff when their articles appeared as a top story on Chartbeat.

V. THE BOYS' CLUB ENVIRONMENT AND SEXIST TREATMENT INTENSIFIES WITH THE ADDITION OF A MALE ASSOCIATE PRODUCER

128. In late summer 2019, Mr. Dodge hired a female Associate Producer named Aimee Curran. Ms. Curran was a strong writer and got along well with Ms. Zilio.

129. However, Ms. Curran left TooFab without any explanation after less than two weeks. In her place, Mr. Dodge hired Terrence (“Terry”) Zeller, a man, who also worked at The Daily Mail.

130. The addition of Mr. Zeller only intensified the gender division on the team, as Mr. Zeller was included in the men-only meetings, jokes and social events.

131. Mr. Zeller, who was hired as an Associate Producer, also was given publishing authority on the weekend, even though Ms. Zilio and Ms. Catton were never offered or given this authority despite being at the same level as Mr. Zeller.

132. Ms. Zilio and Ms. Catton were also held to different standards than the male staff. Mr. Dodge repeatedly stressed to Ms. Zilio and Ms. Catton the importance of them securing in-person and phone interviews and meeting the four-article daily quota.

133. The same requirements were not imposed or enforced on the male staff. The entire staff was also told to come to the weekly editorial meeting with three original ideas for that week.

134. Ms. Zilio and Ms. Catton were reprimanded if they did not have enough ideas, but nothing was ever said to the men when they showed up without any ideas.

135. The men frequently showed up late to work, left early or sometimes did not show up at all, including on days when there were award shows and all staff was required to be present. If any of the women ever did the foregoing, they would be scolded loudly.

136. Ms. Zilio spoke frequently with Ms. Catton as well as Ms. Aldecoa and Ms. Rouchou about how the men were given preferential treatment and the work environment felt like a “boys’ club.”

137. Among the many adjectives used by Ms. Zilio’s female colleagues to describe the work environment, they include:

- **“It’s 100% a bro fest.”**
- **“Freaking frat house”**
- **“‘TooFab is an equal opportunity employer.’ LMAO”**

138. They also complained to Ms. Zilio that Mr. McDonagh took some of the “most wholesome stuff” and turned it into **“some kind of pervy disgusting bullshit,”** that he acted like a **“fucking condescending piece of shit,”** treated **“female coworkers like they’re children”** and questioned whether he treated his wife the same as he did them.

139. Ms. Zilio’s female colleagues echoed the sentiment of other female employees who have filed lawsuits against EMH and provided Glassdoor reviews about EHM’s sexist, misogynistic and toxic work culture.⁴

140. In 2014, a female TMZ writer, Cathryn “Taryn” Hillin, filed a lawsuit against EHM for gender discrimination, hostile work environment and retaliation.

⁴ In addition to EMH’s gender problems, the lack of racial diversity is also alarming. EMH has only a few African American employees out of approximately 200 employees, who often are referred to as the “token black.”

141. Much like Ms. Zilio’s experience, Ms. Hillin described the work culture as a “boys’ club” and alleged that she was treated differently than her male colleagues, subjected to derogatory and discriminatory comments (like, “**Don’t be a girl**” and “**You’re fucking shit**”) and terminated for her complaints – which as discussed below, also happened to Ms. Zilio.

142. The Glassdoor reviews from former current employees also contain a similar theme, including describing EHM as a:

- **“Extremely sexist work environment.”**
- **The “most sexist management I’ve ever experienced.”**
- **“Extremely male-centric, Trump-level dude-bro culture.”**
- **“Very much a ‘boys club.’”**

143. In addition, the Glassdoor reviews also describe the ineffectiveness of HR at EHM:

- **“No HR whatsoever.”**
- **“Management and HR makes the employee feel as if they're the problem, not the culture or behavior of the management. HR is worthless.”**
- **“HR is useless, as their job is to protect the company from lawsuits – not help employees.”**

144. Mr. Beckerman, the employee in charge of the legal department and who works with HR to investigate complaints, frequently makes crude comments about women’s bodies, stares at bikini pictures and talks about how much he hates his wife.

145. Mr. Beckerman’s preference for “**skinny petite girls**” is well-known at TMZ and it is rumored that Mr. Beckerman frequently goes to strip clubs by himself during the week.

146. Discovery will show that there exists score of other women who have experienced discriminatory and retaliatory treatment like Ms. Zilio.

VI. MS. ZILIO IS DENIED A PROMOTION TO PRODUCER

147. In December 2019, Ms. Zilio told Mr. Dodge that she was interested in a promotion to a Producer position, hoping that a more senior title might improve her experience at TooFab.

148. Mr. Dodge scheduled a meeting with Ms. Fusco, who was the person usually involved in hiring and promotion decisions.

149. At the meeting, Ms. Zilio was told that she needed more experience with legal paperwork before she could be promoted, but she would receive a 9% raise (from \$18.75 to \$20.50).

150. Ms. Fusco told Ms. Zilio that most people get a maximum raise of 3%, but they valued her and the work that she was doing and told Ms. Zilio that they would help her be promoted in the next year.

151. In addition, other than needing to expand her experience with legal work, Ms. Zilio was not criticized in any other respect.

152. The reason that Ms. Zilio was denied the promotion is clearly a pretext since she was never told that she needed more legal knowledge to become a Producer, and when she had questions about legal paperwork or a legal proceeding, the male Senior Producers usually gave her ambiguous answers.

VII. MS. ZILIO MAKES A PROTECTED HR COMPLAINT AND IS TERMINATED DAYS AFTER HR COMPLETES ITS INVESTIGATION

153. After the new year, Mr. Dodge began to show up late more frequently, leave during the day for long periods of time and call out sick without telling any of the female staff. Ms. Zilio's ability to work was hampered since she was not allowed to write, publish or contact anyone without Mr. Dodge's approval.

154. Mr. McDonagh also started to come and go as he pleased without telling any of the female staff and began to publish more stories about women and children being raped and murdered – which he referred to as “human interest” stories.

155. In January 2020, Ms. Zilio asked Mr. Dodge if she could do an interview with the cast of “Siesta Key,” but she later found out Mr. Dodge offered it to a male TMZ Producer, Sean Mandell.

156. Ms. Zilio believed that her not getting the interview was another form of punishment for her earlier complaints. On the day of the interview. Mr. Dodge, without any explanation, asked Ms. Zilio to do the interview – presumably because Mr. Mandell did not want to do it and Mr. Particelli had called out sick.

157. In mid-January 2020, Ms. Zilio asked Mr. Dodge if she could take a sick day on January 27, 2020 because her dog needed surgery.

158. Mr. Dodge reluctantly agreed but told Ms. Zilio that the optics were not good because there was an awards show (The Grammys) the day before, and people would think she was just taking the day off because of the extra work.

159. Ms. Zilio was very frustrated by this response and upset when Mr. McDonagh did not show up to work on the day of The Grammys without any issue.

160. Also in January 2020, Mr. Dodge screamed and reprimanded Ms. Aldecoa to the point that she burst into tears at her desk. Ms. Aldecoa complained to Shannon White (a recently hired HR representative) about Mr. Dodge’s conduct. Ms. White told Ms. Aldecoa that Mr. Dodge felt bad, but she could not do anything about it and told her that she needed to “get over it.”

161. In late January 2020, Ms. Zilio contacted Ms. White. Ms. Zilio explained to Ms. White that she had raised concerns of gender division and mistreatment of the female staff in May 2019, and that she believed nothing had been done to resolve these concerns.

162. Ms. Zilio also told Ms. White that she was “petrified” to speak with her, and raise these concerns again, because her life was “made hell” after her May 2019 complaint. Ms. White assured Ms. Zilio that there was a no-retaliation policy and shortly thereafter launched an investigation.

163. In early February 2020, Ms. Zilio met with Suzanne Medley and Eugene Hao who worked for Warner Bros. as Employee Relations Experts.

164. Ms. Zilio again expressed her concerns about how the female staff had been mistreated, the male staff excluded women professionally and that women were held to different standards.

165. Ms. Zilio also said that the male staff were praised for their work while the women were demeaned, micromanaged, belittled and almost never received a compliment for their contributions.

166. Ms. Zilio explained that she thought the work environment had gotten worse since she complained in May 2019 – especially with the addition of Mr. Zeller – and the other female staff felt similarly and could share their own experiences.

167. Ms. Zilio also said that she was upset about the sexist and offensive articles Mr. McDonagh continued to publish, including his articles about women, children, rape and domestic violence.

168. Ms. Medley and Mr. Hao took notes during this meeting and said that they would be in touch.

169. On February 25, 2020, Mr. Dodge spent hours editing Ms. Zilio's first article about Bebe Rexha's interview about being bipolar.

170. After he was done, Mr. Dodge accused Ms. Zilio of copying parts of the original Self Magazine article and sent her bullet points of his edits. A review of the phrases from the original article and Ms. Zilio's initial draft shows that the copied phrases were quotes or specific language describing facts, which are often incorporated into subsequent articles.

171. The extensive editing also was unusual as Ms. Zilio's articles typically required little-to-no-edits and the only other times that Mr. Dodge made an issue of her writing was after she complained.

172. Mr. Dodge then stopped being responsive to Ms. Zilio's emails and messages to him about interviews and stories and eventually turned off his monitor and walked away from his desk.

173. Later in the day, Ms. Zilio was brought into a meeting with Ms. Medley and Mr. Hao where they proceeded to provide Mr. Dodge's excuses for each of her accusations.

174. Ms. Zilio was astonished that they appeared to just accept Mr. Dodge's excuses rather than really examine the mistreatment of the female staff.

175. Ms. Zilio asked about the concerns she raised about Mr. McDonagh's sexist and offensive articles, but she was told that was a separate issue.

176. Ms. Zilio also looked at Ms. Medley and asked, "So there's nothing to be done about the toxic masculine culture brought in by Ross and supported by Shyam?" Ms. Medley did not have a response.

177. Ms. Zilio expressed that she was afraid that her life would be “made hell again” for complaining. In response, Ms. Zilio was only told again that there was a no-retaliation policy.

178. Ms. Zilio left the meeting and was in tears as she got to her desk. Ms. Zilio also became concerned about Mr. Dodge’s treatment that morning and spoke with Mr. Particelli about it.

179. Mr. Particelli told Ms. Zilio that he doubted that she would be let go considering how good she was and how much value she brought to the team.

180. Ms. Zilio also told her female colleagues about the result of the HR investigation, and one of them responded, **“This is all disgusting,” “Why do we even have an HR if they aren’t going to take action” and “I thought HR was supposed to protect the employees not the COMPANY.”**

181. On February 26, 2020, Ms. Zilio finished her first article at 7:40 a.m., but Mr. Dodge was still in the draft until 10:20 a.m. while he published other articles submitted after hers.

182. Mr. Dodge was, again, non-responsive to her messages and questions about what she could write next.

183. Ms. Zilio eventually went to Mr. Particelli to have him approve and edit her second article and complained to him about Mr. Dodge’s treatment.

184. On February 27, 2020, Ms. Zilio continued to struggle to get work done given Mr. Dodge’s continued cold treatment of her.

185. On February 28, 2020, Mr. Dodge continued to avoid Ms. Zilio and assigned Mr. Particelli to edit her articles, several of which made it to the top of Chartbeat.

186. Before 2:00 p.m. that day, Ms. Zilio had already written five articles and appeared on the TMZ show.⁵

187. Around 2:00 p.m., Ms. White asked Ms. Zilio to go to a conference room where Mr. Beckerman was present.

188. Ms. White told Ms. Zilio that she would be terminated effective immediately even though her current three-month option period ended on March 14, 2020.

189. Ms. Zilio questioned whether this decision had anything to do with the recent HR investigation.

190. Mr. Beckerman said no, and that the reason she was being let go was because of plagiarism and misquoting concerns, and they also had issues with her stemming back to last year.

191. Ms. Zilio asked if he was referring to her initial HR complaint, but Mr. Beckerman avoided the question.

192. Instead, he vaguely told Ms. Zilio, “No one doubts the value you bring to this team, but this is a business decision.”

193. A “business decision” only a few months earlier – of course, *before* she had filed her HR complaint – had led to Ms. Zilio receiving a substantial percentage raise.

194. At the meeting, Ms. Zilio was given a separation agreement with one month’s severance and asked to sign it there.

⁵ The men on the TMZ show constantly discuss and make sexist and derogatory comments about women’s bodies, age and “role” in society. We do not address here in detail this sexist and misogynistic conduct since it is well-known and apparently promoted as something that makes the show so successful. See Dodai Stewart, *TMZ: Misogynistic, Sexist & Incredibly Popular*, Jezebel (Sept. 09, 2009), available <https://jezebel.com/tmz-misogynistic-sexist-incredibly-popular-5156712>.

195. Ms. Zilio declined.

196. The separation agreement is dated February 26, 2020, which means it was created only one day after HR completed its investigation.

197. After Mr. Beckerman left, Ms. White told Ms. Zilio that she could not go to her desk to collect her belongings.

198. Ms. White explained, “I know people here really like you, and I don’t want this to be more dramatic than it needs to be.”

199. Ms. White then escorted Ms. Zilio out of the building like she was some criminal trespasser.

VIII. RESPONDENTS’ THREATS OF RETALIATORY LITIGATION

200. Following her termination, Ms. Zilio retained counsel to assert her claims of discrimination and retaliation. Her counsel informed Respondents that she intended to pursue such claims in litigation.

201. In response, on July 29, 2020, Respondents, through their counsel, threatened to sue Ms. Zilio for “substantial liability” if she were to share the details of her claims publicly.

202. Respondents’ threat constitutes further retaliation since such threat was clearly intended to intimidate Ms. Zilio and dissuade her from engaging in protected activity.

203. Respondents’ threat is one of many tactics that Respondents have utilized to silence employees who may have suffered unlawful discrimination and retaliation, including oppressive confidentiality provisions and mandatory arbitration clauses.

PRAYER FOR RELIEF

Ms. Zilio respectfully requests:

- A. A determination by the EEOC that there is probable cause EHM and/or Warner Bros. engaged in unlawful conduct in violation of federal law;
- B. A determination by the DFEH that there is probable cause Respondents engaged in unlawful conduct in violation of state law;
- C. Such other and further relief deemed just and proper.

Dated: August 25, 2020
New York, New York

Respectfully submitted,

WIGDOR LLP

By: 

David E. Gottlieb
Bryan L. Arbeit

85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
dgottlieb@wigdorlaw.com
barbeit@wigdorlaw.com

Counsel for Claimant

GIRARD BENGALI, APC

355 S. Grand Ave., Suite 2450
Los Angeles, CA 90071
Telephone: (323) 302-8300
obengali@girardbengali.com

Local Counsel for Claimant