Wigdor LLP Defeats Motion to Dismiss Sexual Harassment and Rape Lawsuit against Fox News and Ed Henry

September 9, 2021 • Results

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On September 9, 2021, U.S. District Judge Ronnie Abrams for the Southern District of New York ruled that Wigdor LLP client Jennifer Eckhart may move forward with her sexual assault, rape and hostile work environment lawsuit against Fox News and former *America's Newsroom* host Ed Henry.

Ms. Eckhart first filed a lawsuit against Fox News and Mr. Henry in July 2020. Ms. Eckhart alleged that she was sexually assaulted and raped by Mr. Henry, and further alleged that Fox News knew or should have been aware of Mr. Henry's sexually harassing behavior towards Ms. Eckhart and other female employees. The Complaint also alleged that Ms. Eckhart was terminated after she complained about the toxic work environment at Fox News.

Following the filing, Fox News and Mr. Henry filed motions in an effort to have the entire case dismissed. However, the Court rejected the vast majority of the Defendants' arguments and permitted Ms. Eckhart to proceed with her claims of sex trafficking, hostile work environment, gender-motivated violence and a violation of New York's revenge porn law against Mr. Henry.

Judge Abrams also allowed Ms. Eckhart's claims against Fox News to move forward with respect to its alleged liability for Mr. Henry's conduct in raping and sexually assaulting Ms. Eckhart, as well as its alleged liability for terminating Ms. Eckhart after her internal complaints.

Ms. Eckhart is represented by Wigdor LLP Partner Michael J. Willemin and Of Counsel Renan F. Varghese.

Statement of Michael J. Willemin, Partner at Wigdor LLP:

> *"We are very pleased with the Court's well-reasoned decision. Neither Fox News nor Ed Henry succeeded in their early attempts to escape liability as to Ms. Eckhart's allegations of rape, sexual assault and unlawful termination. Both parties remain in the case with respect to these important allegations. Moreover, we are pleased that the Court recognized the 'profound invasion of privacy and bodily autonomy' resulting from the unreasonable act of Mr. Henry filing certain salacious material on the public docket, which Ms. Eckhart alleges was an abhorrent Weinstein-esque attempt to victim shame. We*

> *intend on pushing this case forward expeditiously and asking a jury to hold both Fox News and Mr. Henry accountable for their alleged conduct."*

Read the Full Amended Complaint Here

Reuters
"Fox News, former anchor Henry must face ex-producer's sexual misconduct lawsuit"
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New York Daily News
"Fox News, ex-anchor Ed Henry can't ditch Jennifer Eckhart's lawsuit alleging rape and retaliation, judge rules"
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Law & Crime
"Ex-Fox News Anchor Ed Henry Must Face Sex Trafficking Suit, as Judge Advances Multiple Claims Against Him and Network"
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Daily Mail
"Fox News and former anchor Ed Henry lose bid to toss his accuser's lawsuit after she claimed he 'handcuffed and raped her' in NYC hotel room"
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Law360
"Fox, Axed Host Can't Shake Producer's Sex Harassment Case"
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PopWrapped
"Federal Judge Says Fox News Must Face Lawsuit For Rape, Revenge Porn, Sex Trafficking Charges Against Ed Henry"
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