

Fox News Anchor Says More Workers May Join Race Bias Suit

By **Braden Campbell**

Law360, New York (April 26, 2017, 2:13 PM EDT) -- More Fox News workers from around the country may join a putative New York state class action alleging the network systemically discriminates against black workers, anchor and new named plaintiff Kelly Wright said Wednesday at a press conference with his attorney, Douglas Wigdor of Wigdor LLP.



Flanked by attorneys with Wigdor LLP and other named plaintiffs, Fox News anchor Kelly Wright explains Wednesday why he joined a putative class action alleging systemic race discrimination against the network. (Braden Campbell | Law360)

Wright, the most prominent employee attached to the suit, said other workers called Wigdor's firm Tuesday night after it announced he and other workers had joined. The suit alleges Fox News doesn't give blacks the same opportunities as white workers and retained an openly racist controller long after workers reported her conduct.

"I already understand that since last night, [Wigdor LLP] has received calls from other on-air talent throughout the country, so hopefully we will find the courage to make change," Wright said. Wigdor confirmed his firm had heard from other Fox News workers but declined to provide further details.

Employees who in March accused Fox News of **overlooking racist conduct** and discriminating against black employees refiled their case as a putative class action in New York state court Tuesday, while an ex-employee brought a new action in federal court alleging similar claims.

Payroll manager Tichaona Brown and payroll coordinator Tabrese Wright first filed the state court suit against Fox News, its parent 21st Century Fox and ex-controller Judith Slater on March 28. They alleged the company allowed Slater to subject employees to a racially hostile work environment without any repercussions.

The plaintiffs **amended their complaint** in early April to add a third plaintiff, Monica Douglas, and a new defendant, longtime general counsel Dianne Brandi. The plaintiffs amended their complaint

a second time on Tuesday to add eight more plaintiffs, including Kelly Wright.

Wright is a Saturday co-anchor of midday program "America's News Headquarters" and a former co-host of "Fox and Friends Weekend." He is one of three black anchors at Fox News and the only male, Wigdor said Wednesday.

The amended complaint alleges Wright was removed as host from "Fox and Friends" and replaced with a white colleague, is paid less than white peers, has been subjected to racist comments and hasn't been given the same opportunities as his white colleagues, like hosting his own show or reporting on the 2016 presidential race.

The network, its parent company, Slater, Brandi and ex-Fox employee Susan Lovallo were also hit with discrimination and retaliation claims from former employee Adasa Blanco in a separate suit filed in New York federal court on Tuesday.

Fox News has claimed Wright is bound by an arbitration agreement barring him from bringing class action claims against the company. Wigdor said Wednesday Wright's participation in the class action hinges on the U.S. Supreme Court, which is considering whether Section 8 of the National Labor Relations Act bars employers from **making workers waive their class action rights**. Fox has only asserted an arbitration agreement against Wright, Wigdor said.

Fox News said Tuesday it and Brandi "vehemently deny" the claims in both lawsuits, calling them "copycat complaints." Wigdor seized on that comment Wednesday, saying the fact 10 more employees have come forward since March shows the extent of racial issues at Fox.

"We call 10 new current and former employees 'systemic race discrimination,' not 'copycat discrimination,'" Wigdor said.

Wigdor called for a wholesale shakeup at Fox News starting with its leadership, noting that just one of 37 executive team members is black. He also urged the network to stop making its workers sign arbitration and confidentiality agreements and said it should work harder to attract and promote black employees and on-air talent.

Most of the named plaintiffs attended Wednesday's conference, though only Wigdor and Wright spoke.

The plaintiffs in both suits are represented by Douglas Wigdor, Jeanne-Marie Bates Christensen and Michael J. Willemin of Wigdor LLP.

21st Century Fox and Fox News in the state action are represented by Ronald Green, Barry Asen and David Garland of Epstein Becker Green.

Slater is represented by Catherine M. Foti of Morvillo Abramowitz Grand Iason & Anello PC in both actions.

Counsel information for the other defendants in the federal suit wasn't immediately available.

The putative class action is Tichaona Brown et al. v. Twenty-First Century Fox Inc. et al., case number 22446-2017E, in the New York State Supreme Court, Bronx County.

The federal case is Adasa Blanco v. Twenty-First Century Fox Inc. et al., case number 1:17-cv-03017, in the U.S. District Court for the Southern District of New York.

--Additional reporting by Melissa Daniels, Suevon Lee and Vin Gurrieri. Editing by Jack Karp.