

Warner Wolf Says Firing By Don Imus Was Age-Based

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By **Vin Gurrieri**

Law360 (February 15, 2018, 5:20 PM EST) -- A battle of legendary New York broadcasters broke out Thursday when sportscaster Warner Wolf accused longtime radio personality Don Imus of illegally firing him from the “Imus in the Morning” radio show because he was too old. Warner Wolf alleged in his New York state court suit that Don Imus, shown in 2015, fired him in late 2016 because of his age and replaced him with a decades-younger sports radio personality. (AP)

Wolf, 80, alleged in his New York state court suit that Imus, 77, fired him in late 2016 from his job as sports anchor for the morning radio program because of his age and replaced him with Sid Rosenberg, a decades-younger sports radio personality who has a history of controversial on-air remarks. The suit comes as Imus' show itself is set to end March 29, according to media reports.

Besides the firing, which Wolf claims violated New York's city and state anti-discrimination law, the veteran sportscaster claims he was stiffed on nearly \$100,000 in severance pay that was due to him under an employment contract he had with Cumulus Media Inc. The company, which filed for Chapter 11 bankruptcy late last year, owns WABC, the station that airs Imus' show.

“It is hard to imagine a more iconic sportscaster than Warner Wolf and it is shameful that despite his continuing abilities at providing insight into the world of sports, he was terminated because of his age and not even provided the severance for which he was contractually entitled,” Douglas Wigdor of Wigdor LLP, who represents Wolf in the case said in a statement.

A public relations firm associated with Cumulus declined comment. Contact information for Imus or his representatives wasn't immediately available.

Wolf has been a staple of the New York sports scene since the 1970s, having worked at various major networks and even appearing as himself in the 1985 film “Rocky IV.” His signature catchphrase, “Let's go to the videotape,” was a featured part of his nightly news sports segments throughout his nearly five-decade-long career.

In late 1996, Wolf began appearing on Imus' show as a sports contributor and, after Imus returned to the air following a well-publicized hiatus in 2007 — taken after he had made derogatory comments about Rutgers University women's basketball players — the sportscaster returned as the show's regular morning sports anchor.

In Thursday's suit, Wolf claims that Imus regularly made discriminatory comments about his age, including statements that it was "time to put [Wolf] out to pasture" and "shoot him with an elephant dart gun."

Besides Imus, Thursday's complaint also names as defendants Chad Lopez, vice president and market manager for Cumulus and general manager for WABC, and two other executives. Since Imus was generally left to make decisions himself on the show's direction due to the revenue it generated, the other defendants were essentially there to authorize the decisions Imus made, the complaint said.

In 2015, Wolf was given permission by Imus and Lopez to start doing his segments from his home in Florida instead of from WABC's studios in Manhattan. At the time, his contract called for him to receive an annual salary of \$195,000 as well as 26 weeks of severance pay if he were fired.

But just prior to Wolf's new contract taking effect in 2017 — one that called for his salary to drop to \$80,000 but included no requirement that he return to New York to stay with the show — Imus allegedly expressed concern to Wolf about the arrangement.

Instead of giving Wolf a chance to do the show again from New York, however, Wolf claims he was fired less than a week after Imus' Oct. 31, 2016, email. Imus also subsequently threatened Wolf with an email that said "don't go to war with me" after Wolf gave what Imus perceived to be a dishonest interview about his ouster, and worked to make sure Wolf wouldn't be hired at any other Cumulus stations, according to the complaint.

"Defendants' proffered basis for terminating Mr. Wolf was blatantly pretextual. ... In reality, defendants discriminatorily terminated Mr. Wolf based upon his age," the complaint said.

Moreover, Wolf claims that Cumulus, which isn't named as a defendant, refused to honor a severance clause in Wolf's contract that called for the sportscaster to receive 26 weeks of severance pay if he were fired, which in Wolf's case totaled nearly \$97,500.

"As the 'videotape' in this case will unquestionably show, defendants have failed to adhere to New York's anti-discrimination laws, and have unlawfully discriminated against Mr. Wolf based upon his age," the complaint said.

Wolf was represented by Douglas Wigdor of Wigdor LLP.

Counsel information for Imus and the other defendants was not immediately available.

The case is Warner Wolf v. Don Imus et al. in the Supreme Court of the State of New York, County of New York. The case number was not yet available.

--Editing by Bruce Goldman.