


# Ex-Fox News Anchor Ed Henry Must Face Sex Trafficking Suit, as Judge Advances Multiple Claims Against Him and Network

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Ex-Fox News anchor **Ed Henry** cannot dismiss a lawsuit accusing him of sex trafficking, as a federal judge advanced several claims against him and the network in a ruling on Thursday.

The developments came in a lawsuit filed by ex-associate producer **Jennifer Eckhart** roughly a year ago, which opened with a “Trigger Warning” cautioning readers with blaring red text in block capital letters that the complaint contained “Highly Graphic Information of a Sexual Nature, Including Sexual Assault.”

“She asserts that [Henry] is liable for sex trafficking because she says he used empty promises of career advancement to defraud her into coming to his hotel room, then used force to cause her to have sexual intercourse with him,” U.S. District Judge **Ronnie Abrams** summarized in a 52-page opinion and order.

The judge, who is the sister of Law&Crime’s founder **Dan Abrams**, noted that Eckhart’s allegations are not what traditionally comes to mind when the public thinks of the statute.

“To be sure, this is not a conventional claim of sex trafficking,” the judge wrote. “Eckhart has not alleged, for example, that Henry forced her into prostitution or sexual slavery.”

During oral arguments in July, Eckhart’s lawyer **Michael John Willemin** described Henry’s conduct as “Weinstein-esque, but worse.”

“He hit her,” Willemin said, referring to Henry and his client. “He handcuffed her. He bruised her up. He called her a ‘whore.’ He told her she doesn’t have a choice.”

Ultimately, Judge Abrams found that Eckhart’s allegation fell under the “relatively broad language of the applicable statute,” classifying sex trafficking as the use of “force” or “fraud” to cause a person to “engage in a sex act” for a “thing of value.”

The judge also advanced multiple harassment-related counts against Fox News, though not the sex-trafficking one.

“At this juncture, the Court concludes that Eckhart has plausibly alleged that the network knew or should have known about Henry’s sexually harassing behavior but not necessarily the specific conduct that amounts to sex trafficking,” Judge Abrams found.

Eckhart’s lawyer said he and his client are “very pleased with the Court’s 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,” Willemin told Law&Crime in an email. “Both parties remain in the case with respect to these important allegations. Moreover, the Court made clear that Mr. Henry acted completely inappropriately in attempting to victim shame our client during this litigation. 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.”

The mixed ruling dismissed several counts, while advancing several others.

“While the sex trafficking claim against Fox News was dismissed, the Court’s decision makes clear that Ms. Eckhart will be permitted to replead the claim,” Willemin continued, clarifying that the green light would come “if discovery establishes that Fox News is liable.” “Moreover, as noted, Fox News is still in the case with respect to the sexual assaults and rape under state and local anti-discrimination laws.”

The surviving claims against Fox include allegations of retaliation under Title VII of the Civil Rights Act of 1964 and hostile work environment under New York State Human Rights Law. Fox succeeded in dismissing the sex trafficking count, a federal hostile work environment count, and alleged “aiding and abetting” violations.

Henry could also be held liable under New York “revenge porn” law for filing racy photographs of Eckhart over the course of the litigation.

“Among other things, she alleges that Henry—through his attorneys—posted nude photographs of her on the public docket in this case in an attempt to ‘victim shame’ her,” the ruling states. “Because Eckhart plausibly alleges that this conduct was indeed intended to ‘shame’ her, and because the Court finds that posting these photographs was not a reasonable litigation tactic, this claim survives, as does Eckhart’s related claim against Henry for violation of New York’s ‘revenge porn’ law.”

Fox succeeded in dismissing this count, and the network hailed the parts of the ruling swinging in its favor in an unsigned statement.

“While we are pleased Judge Abrams ruled in favor of our motion to dismiss the Cathy Areu case, we remain committed to defending against the baseless allegations against Fox outlined in Jennifer Eckhart’s claims,” Fox News Media wrote in a statement. “As we have previously stated, upon first learning of Ms. Eckhart’s allegations against Ed Henry, Fox News Media immediately commenced a thorough independent investigation and within six days dismissed Mr. Henry for cause. We look forward to proving through the discovery process that FOX News Media takes harassment allegations seriously and acted appropriately.”

Fox News, **Sean Hannity**, **Tucker Carlson**, **Howard Kurtz** and Henry did succeed, however, in dismissing a separate lawsuit by **Cathy Areu**, who will have another chance to amend her complaint.

Areu's lawyer **James Vagnini** indicated that he would take the judge up on her invitation to re-file.

"We are disappointed with the decision, but also appreciate the court's determination that the facts asserted by Ms. Areu against Fox and the individual defendants are not frivolous," Vagnini told Law&Crime. "Given the technical basis for the dismissal, we are taking the time to review Ms. Areu's opportunity to amend the complaint, as the court suggested."

Henry's attorney did not immediately respond to emails requesting comment.