

# Fox News, ex-anchor Ed Henry can't ditch Jennifer Eckhart's lawsuit alleging rape and retaliation, judge rules

 [nydailynews.com/news/national/ny-fox-news-ed-henry-jennifer-eckhart-20210909-lmq2owrcbcl5nqcedgolprrou-story.html](https://www.nydailynews.com/news/national/ny-fox-news-ed-henry-jennifer-eckhart-20210909-lmq2owrcbcl5nqcedgolprrou-story.html)

Nancy Dillon

Former Fox Business staffer Jennifer Eckhart can press ahead with her rape and retaliation claims against the right-leaning Fox News network and its disgraced ex-anchor Ed Henry, a judge ruled Thursday.

In a 52-page opinion, the federal judge in Manhattan shot down attempts by both defendants to get Eckhart's lengthy and disturbing lawsuit dismissed in its entirety.

The court said Eckhart has so far "sufficiently" pleaded her claims against Henry for sex trafficking, retaliatory harassment, revenge porn and gender-motivated violence in the form of sexual assault and rape.

In her underlying lawsuit, Eckhart alleges Henry aggressively pursued her amid a problematic power dynamic and then manipulated and coerced her into a sexual relationship that veered into violent assault.

She claims the during one terrifying encounter in 2017, Henry "forcefully" pulled her into his New York hotel, ripped off her clothes, handcuffed her and violently raped her while hitting her in the face.

In the new ruling Thursday, the judge further upheld Eckhart's retaliation claims against Fox News and the allegation that the network subjected Eckhart to gender-based discrimination, harassment, sexual assault and a hostile work environment under New York State Human Rights Law.

The judge did strike down a sex trafficking claim against the network but let it stand in relation to Henry.

"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," U.S. District Judge Ronnie Abrams wrote.

The judge said Eckhart's effort to establish Henry's liability for gender discrimination could only move ahead in relation to New York City anti-discrimination laws – not under federal or state law.

Attempts to reach Henry's lawyer were not immediately successful Thursday.

"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," Eckhart's lawyer Michael J. Willemin said.

"Both parties remain in the case with respect to these important allegations."

Willemin said his side was particularly gratified that the court recognized the "profound invasion of privacy" that resulted from Henry's camp filing private photographs of Eckhart in court paperwork seeking to discredit her claims.

He called the maneuver "an abhorrent Weinstein-esque attempt to victim shame,' referring to convicted rapist Harvey Weinstein.

A Fox News spokesperson said Thursday the network remained "committed to defending against the baseless allegations against Fox outlined in Jennifer Eckhart's claims."

"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," the spokesperson said.

"We look forward to proving through the discovery process that Fox News Media takes harassment allegations seriously and acted appropriately," the spokesperson said.