

# Federal Judge Says Fox news Must Face Lawsuit for Rape, Revenge Porn, Sex Trafficking Charges Against Ed Henry

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By Andrew Rossow

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On Thursday, Jennifer Eckhart and her legal team had a major legal victory after U.S. District Court Judge Ronnie Abrams advanced several of Eckhart's claims, ruling that former Fox News anchor and White House correspondent Ed Henry cannot dismiss a lawsuit accusing him of sex trafficking.

The recent developments come just a little over a year since former associate Fox News producer Jennifer Eckhart filed her lawsuit against Fox News and Henry for a number of claims, including sex trafficking and most recently, violations of New York's revenge porn law.

"We are very pleased with the Court's well-reasoned decision," Eckhart's attorney, Michael J. Willemin told *PopWrapped* via email. "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."

However, enough was enough for Ms. Eckhart, wanting to see this lawsuit through on behalf of all women who have been similarly victimized and forced into silence by their abusers.

In what seems to be a disturbingly growing number of charges against the former Fox News anchor, Eckhart also seeks to hold the former Fox News anchor out for sex trafficking because "she says he used empty promises of career advancement to defraud her into

*PopWrapped* obtained a copy of the Court's 52-page Opinion & Order ("Order"), revealing that Ms. Eckhart seeks to hold Henry liable under "a host of legal theories" including, but not limited to sex trafficking, retaliatory harassment and trauma, as well as a series of violations of New York's revenge porn laws.

Judge Abrams also happens to be the sister of Law & Crime's founder Dan Abrams, who recognized the extremely troubling accusations against both Henry and the network.

It's important to note that the overall case Ms. Eckhart has brought against Fox News is not over, as both parties still remain in the case with respect to these important allegations.

Back in July, Eckhart's attorney, Michael J. Willemin during oral arguments also described Henry's conduct as "Weinstein-esque, but worse," which sent a hauntingly powerful effect throughout the media landscape.

“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.”

The following is a brief summarization of what Judge Abrams articulated in the Order:

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## **Sex Trafficking**

In the lawsuit, Ms. Eckhart 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.”

The court filings also indicate that this “is not a conventional claim of sex trafficking”, where an individual would allege that the perpetrator forced he/she/they into prostitution or sexual slavery. Instead, due to the nature of Ms. Eckhart’s allegations, the Court “must accept as true at this stage of the litigation, comport with the relatively broad language of the applicable statute”, which classifies as sex trafficking the use of “force [or] fraud...to cause [a] person to engage in a ...sex act...on account of [some] thing of value.”

In Thursday’s ruling, the Court found Ms. Eckhart’s claim for sex trafficking to be “sufficiently plead.”

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## **Is Henry Liable Under New York City’s ‘Gender Motivated Violence Act’?**

According to court documents, which *PopWrapped* has reviewed, Eckhart also seeks to hold Henry liable for the alleged assaults under New York City’s Gender Motivated Violence Act.

Based on Thursday’s ruling, the Court found that Ms. Eckhart’s claim can proceed because she sufficiently “stat[ed] a claim under that statute because of her plausible allegations that [Henry] acted with animus toward women.”

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## **Henry Violating Revenge Porn Laws in the Ongoing Litigation’s Filings**

Perhaps what is most unique and even more troubling among the numerous Weinstein-esque allegations, is that Eckhart seeks to hold Henry out for violation of revenge porn laws, through Henry’s attorneys, who a few months back, “posted nude photographs of her on the public docket in this case in an attempt to ‘victim shame’ her.

In its ruling, the Court found that “...posting these photographs was not a reasonable litigation tactic” which allows for the survival of Ms. Eckhart’s claim, “...as does Eckhart’s related claim against Henry for violation of New York’s ‘revenge porn’ law.”

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## **Fox News Remains in the Hot Seat**

Judge Abrams also advanced multiple harassment-related claims against Fox News, stating that “...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,” Abrams found.

Unfortunately, Eckhart’s claims related to sex trafficking as it pertained to the network did not survive, however, Eckhart’s team expressed their satisfaction with Judge Abrams’ recent ruling.

In an email to *PopWrapped*, a FOX News spokesperson shared its statement in response to Thursday’s ruling:

“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. 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.”

### **This Ruling Will be Precedent for Future Cases**

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While the ongoing litigation is not yet at an end, the Court’s most recent ruling, rejecting the vast majority of Henry’s arguments should be considered precedent for future cases that horrifically entail instances of sexual violence and misconduct.

“...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.”

*Michael J. Willemin, counsel for Jennifer Eckhart*

For more information on this case, please refer to Case 1:20-cv-05593-RA-GWG, which was filed on November 09, 2021.