



2. As described in detail herein, Fox News continues to protect and reward perpetrators of sexual harassment and refuses to take accountability for putting such persons in positions of power from which they can subject women to sexual misconduct, sexual assault and, in the case of Ms. Eckhart, rape. Some of the names in leadership may have changed since Roger Ailes' regime, but Fox News' institutional apathy towards sexual misconduct has not.

**I. JENNIFER ECKHART**

3. On June 25, 2020, Ms. Eckhart, through counsel, put Fox News on notice that she retained legal counsel in connection with legal claims against Mr. Henry and Fox News.

4. Mr. Henry, approximately twice Ms. Eckhart's age, preyed upon, manipulated and groomed Ms. Eckhart starting at the young age of 24, by exerting his abuse of power over her and her career. Mr. Henry not only leveraged this imbalance of power for control over his victim, Ms. Eckhart, but asked her to be his "sex slave" and his "little whore," and threatened punishment and retaliation if Ms. Eckhart did not comply with his sexual demands.

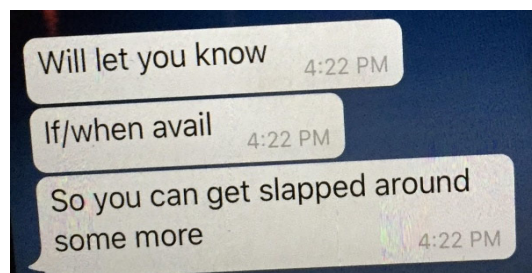
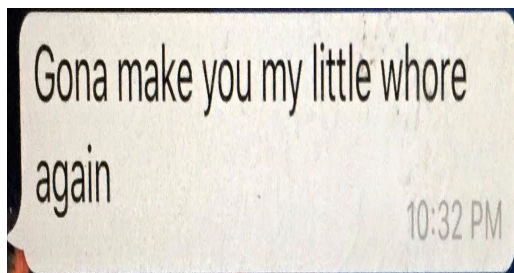
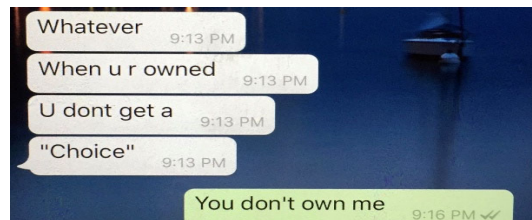
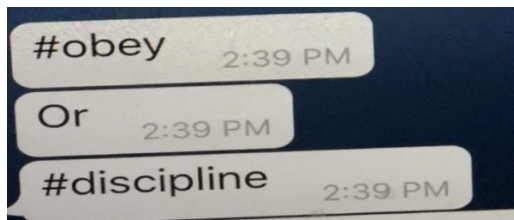
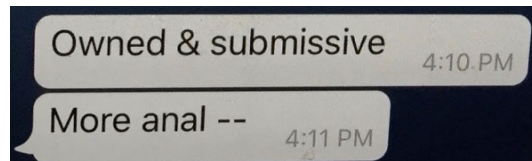
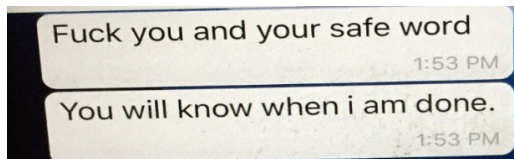
5. Ms. Eckhart's counsel described to Fox News, in graphic and specific detail, how Mr. Henry groomed, psychologically manipulated and coerced Ms. Eckhart into having a sexual relationship with him, and that, when she would not comply voluntarily, he sexually assaulted her on office property, and raped her at a hotel where Fox News frequently lodged its visiting employees, thereby facilitating, whether knowingly or unknowingly, Mr. Henry's conduct.

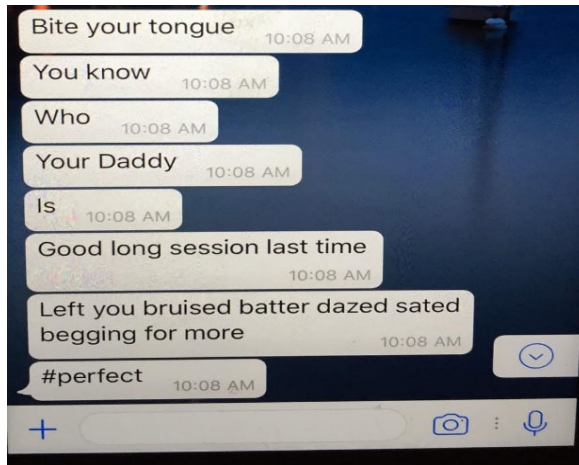
6. Ms. Eckhart's counsel also explained to Fox News, in graphic and specific detail, that Ms. Eckhart was violently raped while helpless and restrained in metal handcuffs, as Mr. Henry preformed sadistic acts on her without her consent that left her injured, bruised and battered with bloody wrists.

7. Prior to violently assaulting Ms. Eckhart, Mr. Henry took photos of Ms. Eckhart on his iPhone while laughing, as Ms. Eckhart pleaded with Mr. Henry to stop, and to remove the handcuffs, and to delete the naked pictures he took of her without her consent. Ms. Eckhart believes that Mr. Henry used those photos he took of her while naked, helpless and restrained in handcuffs as an intimidation tactic to silence her, and to be filed away and retained for purposes of blackmail that could destroy her career.

8. To be clear, Ms. Eckhart did not consent to any part of this violent, painful rape. The day after this rape, Ms. Eckhart told Mr. Henry in writing that he had physically injured her. Ms. Eckhart told him that she had sore wrists (they were actually bleeding), a mark on her buttocks, a broken nail and a bruise on her leg, among other injuries. Ms. Eckhart's counsel shared this information with Fox News.

9. Ms. Eckhart's counsel also shared with Fox News the existence of certain text messages that establish Mr. Henry's delusions and prove his violence. Examples include:





10. On July 1, 2020, Fox News disclosed to the public that it had terminated Mr. Henry based on the findings of an internal investigation, and purported to take credit for acting appropriately. However, nothing could be further from the truth.

11. In reality, Fox News knew that Mr. Henry had engaged in sexual misconduct as far back as early 2017. At that time, when Fox News was conducting a company-wide investigation into issues of sexual harassment, multiple women came forward to complain that Mr. Henry had engaged in sexually inappropriate conduct towards them. Upon information and belief, this was known to Fox News' Executive Vice President of Human Resources, Kevin Lord ("Mr. Lord"), as well as Fox News President and Executive Editor, Jay Wallace ("Mr. Wallace"), and Fox Business Network President, Lauren Petterson ("Ms. Petterson").

12. Mr. Henry was not terminated after Fox News learned of these complaints. Upon information and belief, he was not even disciplined. Adding insult to injury, these complaints followed mid-2016 revelations that Mr. Henry, who is married, had engaged in an affair with a Las Vegas stripper.

13. Fox News suspended Mr. Henry for approximately 4 months before he returned to work at Fox News as a correspondent. Fox News took no remedial action, and instead allowed Mr. Henry to continue working and co-anchor "Fox & Friends Weekend," after which it

rewarded him with a promotion to co-anchor of “America’s Newsroom.” Moreover, HarperCollins, an affiliate of Fox News, subsequently gave Mr. Henry a lucrative book deal. Fox News also rewarded Mr. Henry with a new streaming show on Fox Nation called, ‘Ed Henry’s Front Row Seat’ in which he wanted to interview sports stars.

14. Thus, to be clear, Mr. Henry was not terminated because he engaged in sexual misconduct – Fox News was willing to support and promote him knowing that he had engaged in sexual misconduct. Rather, Mr. Henry’s employment was terminated because Fox News realized that it was on the precipice of a public relations nightmare and wanted to get out ahead of this suit and be able to claim that it had done the right thing. It had not.

15. Moreover, Fox News’ press release announcing the termination of Mr. Henry was completely disingenuous, and intentionally downplayed the severity of the situation by characterizing Mr. Henry’s actions as merely “sexual misconduct.” Fox News was trying to avoid taking accountability for what actually happened; namely, that one of its most prominent on-air personalities – with a history of multiple sexual harassment complaints – sexually assaulted and raped Ms. Eckhart.

16. Finally, Fox News did not even notify Ms. Eckhart of the fact that it would be terminating Mr. Henry. Thus, she was left to learn of this decision from the media and Twitter. Fox News also sent an internal memo to thousands of Fox News employees about the decision without consulting with or notifying Ms. Eckhart. This conduct on the part of Fox News is abhorrent, and, of course, only served to greatly increase the trauma that Ms. Eckhart is experiencing as a result.

17. Accordingly, Ms. Eckhart brings this action seeking injunctive, declaratory and monetary relief against Fox News and Ed Henry for violations of federal sex trafficking laws, 18

U.S.C. § 1591, *et seq.*, New York State Human Rights Law, N.Y. Exec. Law §§ 290, *et seq.* (“NYSHRL”), the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101, *et seq.* (“NYCHRL”) and the Gender Motivated Violence Act, New York City Administrative Code §§ 8-901, *et seq.* (“GMVA”).

## II. CATHY AREU

### A. Ed Henry

18. Ms. Eckhart was not the only victim of Fox News’ willingness to look the other way as complaints of sexual harassment mounted against Mr. Henry. Ms. Areu was victimized as well.

19. In particular, Mr. Henry sent Ms. Areu a slew of wildly inappropriate sexual images and messages – which are in her possession – throughout the first half of this year, including, among others:

- A “closeup” photograph of a woman’s vagina being “clamped” closed by four clothespins;
- A photograph of an individual wearing a mask that has a large penis in lieu of a nose;
- A photograph of a vibrator faux smoking a cigarette;
- A photograph with a woman with her mouth open and tongue extended, with a man’s hands pulling her towards his midsection, captioned “In case you wondering ... the male g-spot is located at the back of a woman’s throat;”
- A photograph of a woman’s rear end and vagina modified to include the features of a bunny rabbit (this was sent for Easter);
- A woman wearing nothing but three masks, in which her entire body is exposed other than her breasts and vagina;
- A photograph of a rubber glove where each finger appears to be a dildo and/or ribbed like a condom;

- A video of a woman running across the room and jumping towards a camera – her skirt lifts up and the video ends with a closeup of her vagina; and
- A video entitled “Fastest Interview ... candidate selected in 3 seconds.” In the video, someone purportedly interviewing for a position exposes her vagina, after which the interviewer indicates that she got the job.

20. As noted, the “fastest interview” video shows a purported interviewee flashing her vagina to the interviewer, who immediately offers her the job. Immediately after Mr. Henry sent Ms. Areu this video, he texted her, “Are you avail for anchor interview.” Mr. Henry knew that Ms. Areu was looking for full time work at Fox News, and was telling her, in no uncertain terms, that he would assist her career if she had sex with him.

21. Mr. Henry also sent many other inappropriate texts, including many other texts suggesting that Ms. Areu have sex with him.

22. Then, during a May 21, 2020 telephone call, Mr. Henry started berating Ms. Areu for being “boring” and “not who [he] thought [she] w[as].” After Ms. Areu did not assuage Mr. Henry’s concerns by indicating that she was not “boring” (*i.e.*, that she would be willing to engage in sexual acts with him), Mr. Henry ended the call. Mr. Henry subsequently called Ms. Areu a “jerk,” told her that she made him “sad” and ended their professional relationship.

23. Mr. Henry was far from the only Fox News anchor who subjected Ms. Areu to sexual harassment. She was also subjected to inappropriate sexual harassment and retaliation by Mr. Hannity, Mr. Carlson, Mr. Kurtz and Gianni Caldwell.

**B. Sean Hannity**

24. Ms. Areu was a relatively regular face on The Sean Hannity Show until March 8, 2018. On that day, Mr. Hannity, on set and in front of the entire studio crew – and completely unsolicited – threw \$100 on the set desk. He then began calling out to the men in the room and demanding that someone take Ms. Areu out on a date for drinks at *Del Friscos*. He repeatedly



yelled, “who wants to take her on a date?” “Take her on a date to *Del Friscos*.” Ms. Areu was completely mortified and made clear that she was incredibly uncomfortable with Mr. Hannity’s misogynistic behavior by quietly pleading with one of her friends in the room to accept the money so that the humiliation would end.

25. To make matters worse, Ms. Areu was “stuck” and could not even leave because Mr. Hannity engaged in this conduct while she was “hooked into” studio equipment that could only have been removed by a stagehand.

26. Thankfully, none of the staff cooperated with Mr. Hannity, even after he repeatedly chided one particular male employee for being “afraid to take out a beautiful woman.”

27. The below picture (in which it is clear that Ms. Areu put on a fake smile) was taken in the studio that day. The money (along with an e-cigarette that Mr. Hannity was smoking before the show), are piled together on the left side of the set desk.



28. After this incident, and Ms. Areu’s failure to “play along,” Ms. Areu was hardly ever, if ever at all, invited back to appear on “Hannity” on Fox News Channel.

**C. Tucker Carlson**

29. In 2017 and 2018, Ms. Areu appeared on a very frequent basis on Tucker Carlson Tonight (17 times, at least, in 2018 alone). Ms. Areu’s final 2018 appearance on the show was in



December 2018. That show was filmed live in New York City and Mr. Carlson was in New York City at the studio.

30. After Ms. Areu's segment was completed, one of Mr. Carlson's producers or writers whispered in Ms. Areu's ear, while she was on set trying to get out of the chair, and told her that Mr. Carlson wanted her to stay until the very end of the show to chat with him. Ms. Areu had no choice but to comply with Mr. Carlson's request due to the fact that she was on live television while tied to her chair with a microphone on her that was attached to the chair. Ms. Areu was also wearing an earpiece that the tech crew refused to take off.

31. Mr. Carlson's tech crew refused to undo Ms. Areu's equipment on set therefore she could not leave the chair or studio.

32. Following the show, Mr. Carlson changed on set into his leather jacket for the annual Christmas party that he told Ms. Areu he would only be attending for approximately 10 minutes to, "make a quick appearance."

33. Following the show, Mr. Carlson, hardly making any effort to hide his intentions, began telling Ms. Areu that he would be alone in New York City that night, and specifically said that he would be staying alone in his hotel room without any wife or kids.

34. Without question, Mr. Carlson was probing to see whether Ms. Areu was interested in a sexual relationship. Ms. Areu awkwardly sidestepped Mr. Carlson's advances and declined to spend the night at his hotel. Mr. Carlson promptly retaliated against Ms. Areu, who was featured on his show only three times in 2019 and has not appeared once in 2020.

**D. Howard Kurtz**

35. Mr. Kurtz hosts Fox News' Media Buzz show. From 2017 through 2019, Ms. Areu was a relative regular on the show, appearing over a dozen times. Mr. Kurtz was well

aware that Ms. Areu was looking for full time work at Fox News. In a March 9, 2019 email exchange, she asked Mr. Kurtz for advice on obtaining a full time position, and he responded that it was “long overdue.” Just a few months later, on July 9, 2019, while Mr. Kurtz was in New York City, he invited Ms. Areu to come to his hotel (“I’m just at my hotel making calls. Can you come to the Muse lobby at 7:15?”). Ms. Areu politely declined but invited Mr. Kurtz to dinner with her and a friend who was in town. Mr. Kurtz, who plainly wanted to see Ms. Areu only if she were alone and at his hotel (*i.e.*, for sexual reasons) declined.

36. The morning after Ms. Areu rejected Mr. Kurtz’s advances, he refused to meet with her at the studio and curtly said to her, “I’m booked solid this morning which is why I hoped to connect last night.” Mr. Kurtz was punishing Ms. Areu for refusing to join him at his hotel. As if this were not already obvious enough, shortly after this, Mr. Kurtz stated to Ms. Areu, in sum and substance, “you’re the only woman here who won’t come to my hotel room.” Ms. Areu has only appeared approximately three times on Media Buzz following her rejection of Mr. Kurtz’s advances.

**E. Gianno Caldwell**

37. Gianno Caldwell is a Fox News Political Analyst based in Miami, Florida. On May 31, 2020, Mr. Caldwell texted Ms. Areu a video of him together with Ann Coulter, a far-right media pundit who regularly appears on Fox News. The video depicted Ms. Coulter being swarmed by media. Mr. Caldwell wrote, “Ann is my friend.” Mr. Caldwell, who knew that Ms. Areu would have loved the opportunity to meet and work with Ms. Coulter, used this fact to attempt to coerce Ms. Areu into dating him. Indeed, right after he sent the video, he wrote, “I had no idea you were here [in Florida]. We def need to get together.”

38. Ms. Areu ignored Mr. Caldwell's request and deflected by making a joke about how famous Ms. Coulter is ("I didn't know she was that famous. I get asked for selfies at Publix milk aisle. That's about it."). Mr. Caldwell, either not getting the hint or not caring, responded, "I live in Brickell."). Ms. Areu again brought the conversation back to business and told Mr. Caldwell that she would love to be invited to meet Ms. Coulter next time Mr. Caldwell saw her ("I'd love to be invited next time! Liberal Sherpa and Ann Coulter and Gianni Caldwell would bring peace and unity to all."). Mr. Caldwell responded, "Dope!" Mr. Caldwell then made clear that the "price" to meet Ms. Coulter would be a date with Mr. Caldwell. Specifically, Ms. Areu asked, "Can I take you two for lunch," and Mr. Caldwell responded, "Take me to lunch." Ms. Areu ignored this request as well, and Mr. Caldwell never introduced her to Ms. Coulter.

39. Accordingly, Ms. Areu brings this action seeking injunctive, declaratory and monetary relief against Defendants for violations of the NYSHRL and the NYCHRL.

### **JURISDICTION AND VENUE**

40. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 as this action involves federal questions regarding the deprivation of Plaintiffs' rights under 18 U.S.C. § 1591, *et seq.*

41. The Court has supplemental jurisdiction over Plaintiffs' related claims arising under state and city law pursuant to 28 U.S.C. § 1367(a).

42. Pursuant to 28 U.S.C. § 1391(b), venue is proper in this Court because a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

**ADMINISTRATIVE PREREQUISITES**

43. Contemporaneously with the filing of this Complaint, Plaintiffs will file a complaint with the Equal Employment Opportunity Commission (“EEOC”) alleging violations of Title VII, 42 U.S.C. §§ 2000e, *et seq.* (“Title VII”). As soon as the EEOC completes its investigation into Plaintiffs’ complaint and/or issues a Notice of Right to Sue, Plaintiffs will seek to amend this Complaint to add Title VII claims against Fox News.

44. Any and all other prerequisites to the filing of this suit have been met.

**PARTIES**

45. Plaintiff Jennifer Eckhart is a former employee of Fox News and a resident of the State of New York. At all relevant times herein, Ms. Eckhart met the definition of an “employee” under all relevant statutes.

46. Plaintiff Cathy Areu is a former employee of Fox News and a resident of the State of New York. At all relevant times herein, Ms. Areu met the definition of an “employee” or “applicant” under all relevant statutes.

47. Defendant Fox News Network, LLC. is a Delaware limited liability company with a principal place of business located in New York, New York. At all relevant times, Fox News was an “employer” within the meaning of all applicable statutes.

48. Defendant Ed Henry, upon information and belief, resides within the State of Maryland.

49. Defendant Sean Hannity, upon information and belief, resides within the State of New York.

50. Defendant Tucker Carlson, upon information and belief, resides within Washington, D.C.

51. Defendant Howard Kurtz, upon information and belief, resides in or around Washington, D.C.

## **FACTUAL ALLEGATIONS**

### **I. MS. ECKHART**

#### **A. Ms. Eckhart Joins Fox News**

52. On January 2, 2013, Ms. Eckhart began working at Fox News as a Freelance Administrative Assistant to Liz Claman (“Ms. Claman”), who anchors “Countdown to the Closing Bell” on the Fox Business Network.

53. Ms. Eckhart expected that the job would entail assisting Ms. Claman with story ideas, managing Ms. Claman’s appearances, making phone calls and assisting with scheduling, as well as other work-related administrative tasks.

54. Instead, Ms. Claman demanded that Ms. Eckhart perform a variety of humiliating tasks, including cleaning and organizing Ms. Claman’s shoes, organizing and color coordinating Ms. Claman’s dresses, cleaning Ms. Claman’s office and refrigerator, getting Ms. Claman lunch and coffee, often times even having to pay with her own money, and even babysitting Ms. Claman’s daughter outside of normal office hours.

55. Ms. Eckhart put her head down and performed these tasks without complaint, yet she was still further belittled and mistreated by Ms. Claman. By way of only one example, after Ms. Eckhart ordered Ms. Claman pizza for lunch one day, Ms. Claman reprimanded her over work email for ordering “the worst pizza [she] ha[s] ever had.” When Ms. Eckhart apologized, Ms. Claman responded, in email, “NEVER AGAIN!” This was the first of many abusive emails Ms. Eckhart received during the course of her employment at Fox News.

56. By way of another example, Ms. Eckhart received an email from Ms. Claman reprimanding her for booking a particular guest that she claimed is “hated by D.C.” Ms. Claman went on to excoriate Ms. Eckhart (and her team) stating, “You need to tell [fill-in anchor] this is not Varney or [‘Mornings with Maria’] where we give people a pass or say things like ‘the main stream media ignores blah blah blah.’ [‘Countdown to the Closing Bell’] is not Trump State TV.”

57. This is just a few examples of Ms. Claman’s frequent yelling and berating of her production staff over corporate email. On one documented occasion, Ms. Claman called another former producer of hers at Fox Business “a retard” while caught on a hot microphone on set.

58. In June 2013, Ms. Eckhart received a nominal promotion (without a pay raise) to Production Assistant.

59. Subsequently, Fox News promoted Ms. Eckhart twice, first to Booker and then to Associate Producer.

60. Ms. Eckhart performed a variety of roles during her more than seven years at Fox News including, *inter alia*: (i) producing “Countdown to the Closing Bell;” (ii) writing and producing interview segments with headline newsmakers such as Berkshire Hathaway CEO Warren Buffett, Tesla and SpaceX CEO Elon Musk and Microsoft co-founder Bill Gates; (iii) appearing as a frequent on-air guest on Tom Shillue’s Fox News Radio show, in addition to being a regular on-air personality featured on Fox Nation including Tom Shillue’s “The Quiz Show”; (iv) served as an on-air personality for a variety of other shows on Fox News (including “Your World with Neil Cavuto”); (v) producing live broadcasts from the floor of the New York Stock Exchange; (vi) producing CES live from Las Vegas; (vii) interviewing celebrities and high

profile athletes on the red carpet for features published on Fox News' and Fox Business' websites.

**B. Mr. Henry Preys on Ms. Eckhart**

61. At some point in 2014, Mr. Henry, who was, at the time, Fox News' Chief Whitehouse Correspondent based out of Washington, D.C., began following Ms. Eckhart on Twitter when she was 24 years old.

62. Shortly thereafter, Mr. Henry – who was married at the time – sent Ms. Eckhart a Direct Message (“DM”) on Twitter that said only, “beautiful.”

63. Ms. Eckhart was naturally put off by Mr. Henry's inappropriate message. But, given Mr. Henry's stature at Fox News, and the fact that Ms. Eckhart was, at the time, a 24-year-old recent graduate of journalism school who was just starting her career at Fox News, Ms. Eckhart felt compelled to respond. She made it clear, however, that she was not romantically interested in Mr. Henry by shifting the discussion to work. Specifically, Ms. Eckhart told Mr. Henry that she was a fan of his work and that it would be an honor to meet him one day.

64. Mr. Henry replied by stating that he just so happened to be at Fox News' New York offices that day, and that Ms. Eckhart could come to meet him in one of the green rooms prior to his on-air appearance.

65. Ms. Eckhart obliged, but when they met, she kept things strictly professional and in no way gave any indication that she was romantically interested in Mr. Henry. Mr. Henry then asked Ms. Eckhart if she wanted a picture with him. Ms. Eckhart agreed, and the two had their picture taken.



66. Nevertheless, later that day Mr. Henry sent Ms. Eckhart another DM in which he asked her to send him a copy of a picture that the two had taken together. Ms. Eckhart did so, and Mr. Henry gratuitously responded, “You are way more beautiful in person.”

67. When Ms. Eckhart failed to reciprocate Mr. Henry’s romantic overtures, he persisted, continuing to DM her and asked her to get drinks with him. While Ms. Eckhart was cordial, she made up an excuse so that she would not have to get drinks with Mr. Henry, who was making her uncomfortable. Mr. Henry, who was intent on pursuing Ms. Eckhart despite her rejections, wrote to her in an e-mail, “Yep. Hard to get.”

68. From that moment on, Ms. Eckhart became a sexual target of Mr. Henry. Mr. Henry continued to send inappropriate, flirtatious and, at times, sexually graphic text messages to Ms. Eckhart. He also continued to ask her out for drinks. Ms. Eckhart, a young, early-in-career journalist in fear of losing her job, felt pressured and compelled to respond and, to a degree, “play along” with Mr. Henry, an extremely powerful man at Fox News.

69. However, Ms. Eckhart continued to refuse to meet Mr. Henry for drinks. Undeterred, Mr. Henry continued to act inappropriately and continued to try to pressure Ms. Eckhart into having drinks with him. Finally, after several months of being worn down by Mr. Henry’s advances, Ms. Eckhart agreed to meet him for one drink.

70. Mr. Henry was in New York at the time and staying at the New York Marriott Marquis. The two met at the bar at the hotel for a drink.

71. Far from having any romantic interest in Mr. Henry, Ms. Eckhart actually compiled a list of career-related questions for the meeting, hoping that she could learn from Mr. Henry.

72. After the two had finished their drinks, Mr. Henry asked Ms. Eckhart to have another drink in his hotel room. Ms. Eckhart did not want to go, but was fearful of the repercussions of refusing Mr. Henry's request.

73. As soon as the two got into the room, Mr. Henry, out of nowhere, began forcefully kissing Ms. Eckhart and ripped off her clothes. Ultimately, Ms. Eckhart, fearing that her career would be over if she refused Mr. Henry, relented and had sexual intercourse with him.

74. After having sex, Mr. Henry started telling Ms. Eckhart that he could help further her career and get her in the room with some "really powerful people." The message was clear: Ms. Eckhart would either be (i) rewarded for succumbing to Mr. Henry's sexual advances, or (ii) punished (*i.e.*, be fired from her job) if she failed to comply.

75. When she got home that evening, Ms. Eckhart, who was distraught at the prospect of having to sleep with Mr. Henry in order to keep her job, cried herself to sleep.

**C. Mr. Henry Sexually Assaults Ms. Eckhart**

76. Ms. Eckhart managed to avoid Mr. Henry for a few months, but in September 2015, Mr. Henry was, once again, back in Fox News' New York offices.

77. Mr. Henry sent Ms. Eckhart a message on WhatsApp, an instant messaging application that Mr. Henry had previously told Ms. Eckhart to download and use when communicating with him. In that message, Mr. Henry demanded that Ms. Eckhart remove her underwear while at work at Fox News, and put them in an envelope for him. This, of course, was an extremely humiliating and disgusting request. But, in fear knowing that she would face retaliation if she refused to comply, Ms. Eckhart did so. Mr. Henry came to Ms. Eckhart's desk to retrieve the envelope.

78. Later that day, Mr. Henry demanded that Ms. Eckhart meet him in one of the Guest Offices on the 17th floor of the Fox News building.

79. When Ms. Eckhart arrived at the room, Mr. Henry was on the phone. Ms. Eckhart repeatedly indicated that she had to leave because a car was waiting for her outside to take her and Ms. Claman to the New York Stock Exchange for a live broadcast.

80. Rather than letting Ms. Eckhart leave, Mr. Henry got off of the phone and pinned Ms. Eckhart to the wall inside the Guest Office. He began subjecting her to forceful and unwanted kissing. He then quickly unzipped his pants, and physically used his hand to force Ms. Eckhart's head down to his penis. While forcefully moving Ms. Eckhart's head back and forth, Mr. Henry physically forced her to perform oral sex on him. After Mr. Henry came, Ms. Eckhart immediately ran out of the office in a state of shock, panic and fear.

81. Although Ms. Eckhart was able to avoid seeing Mr. Henry after the September 2015 sexual assault on office property, he continued to send her lewd and graphic sexual messages.

82. In one message to Ms. Eckhart he wrote, "I'd like to wipe you with my tongue."

**D. Fox News Is Put on Notice of Mr. Henry's Sexual Misconduct**

83. In May 2016, it was revealed by numerous media outlets that Mr. Henry had engaged in an affair with a Las Vegas stripper. Mr. Henry was given a "slap on the wrist" by Fox News executives, and took a four month leave of absence, which included a trip to Capri, Italy. He returned to Fox News in August 2016, having suffered no repercussions for his conduct.

84. Mr. Henry's return to Fox News directly coincided with Gretchen Carlson and other Fox News female employees coming forward with allegations of sexual harassment against

then-CEO Roger Ailes. As a result, Fox News hired the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul Weiss”) to conduct an investigation into sexual harassment at Fox News.

85. During the Paul Weiss investigation, multiple women complained that Mr. Henry had subjected them to sexual harassment and/or unwanted sexual messages. Yet, upon information and belief, Fox News took no remedial action, and allowed Mr. Henry to continue working. Not only did Fox News not reprimand Mr. Henry in light of the Paul Weiss investigative findings, but Mr. Henry was rewarded with a fill-in anchor position on “Fox & Friends Weekend.” Moreover, HarperCollins, an affiliate of Fox News, subsequently gave Mr. Henry a lucrative book deal.

**E. Mr. Henry Rapes Ms. Eckhart**

86. Meanwhile, upon his return to work, Mr. Henry began sending Ms. Eckhart lewd sexual messages again.

87. In the Fall of 2016, Mr. Henry sent Ms. Eckhart a link to a song entitled “Save a Horse, Ride a Cowboy.” Ms. Eckhart, confused, asked Mr. Henry if he was trying to tell her something. He responded, “That I want you to ride ME?” “Yesss” “I am telling you that!!”

88. Mr. Henry’s messages began turning darker and violent, as he revealed an apparent obsession with Bondage/Discipline/Dominance/Submission (commonly referred to as BDSM) related sex practices.

89. On Valentine’s Day, 2017, Mr. Henry wrote to Ms. Eckhart, “Fuck you and your safe word. You will know when I’m done.” When Ms. Eckhart tried to end the conversation by saying that Mr. Henry needed to be nicer to her because it was Valentine’s Day, he responded, “Nah. Valentine my ass.” When Ms. Eckhart again attempted to end the conversation by

sending two emojis to Mr. Henry, he responded violently, “Get on your knees again and I’ll give you your valentine.”

90. Not long thereafter, Mr. Henry asked Ms. Eckhart to meet in person. She told Mr. Henry in text messages that she had a date and was very busy. Mr. Henry proceeded to accuse Ms. Eckhart, again, of playing “Hard to get.” Ms. Eckhart, fearful that Mr. Henry was unhappy (and in fear of her safety and job), said that she always makes herself available to him. Mr. Henry responded, “#obey” “or” “#discipline.”

91. In another wildly inappropriate string of text messages, Mr. Henry wrote that “the more impaired [Ms. Eckhart was] the better.” He also wrote that he liked Ms. Eckhart “owned and submissive” and asked her for “more anal” sex (Ms. Eckhart did not at any time have anal sex with Mr. Henry).

92. At some point in 2017, Mr. Henry asked Ms. Eckhart to meet him for a drink at Fresco by Scotto, a New York City restaurant and frequent gathering place of Fox employees. Ms. Eckhart was afraid that if she, again, refused, Mr. Henry would retaliate – indeed, he explicitly told her that if she did not “obey” him, she would be “disciplined.” Ms. Eckhart knew that the restaurant would be busy, and that she would likely run into other Fox News colleagues there, as the restaurant is owned by a local Fox affiliate anchor in New York City. Therefore, she felt safe at that facility.

93. When she met Mr. Henry for the drink, he told her that Fox News was rewarding him with “his very own show.” This, of course, would make Mr. Henry even more powerful at Fox News. Accordingly, Ms. Eckhart was now even more intimidated, particularly since he had sent the message stating that she had better comply with his demands.

94. Mr. Henry invited Ms. Eckhart to take a walk and discuss her career at his hotel in midtown Manhattan, where Fox News frequently lodged its visiting employees, which was a short walk from Fresco by Scotto. Out of concern for her job, Ms. Eckhart complied.

95. Ms. Eckhart never could have imagined what would happen next.

96. The moment that Mr. Henry and Ms. Eckhart entered into his hotel room, Mr. Henry forced himself upon Ms. Eckhart, pinning her against a wall, and forcefully ripped off her clothing. Mr. Henry then immediately forced Ms. Eckhart's hands behind her back and applied metal handcuffs to Ms. Eckhart's wrists to restrain her.

97. Ms. Eckhart pleaded with Mr. Henry, telling him that the handcuffs were painful and hurting her wrists. Mr. Henry did not stop. Instead, he threw Ms. Eckhart onto the hotel bed naked, helpless and handcuffed.

98. Mr. Henry proceeded to take naked photographs of Ms. Eckhart on his iPhone while laughing. She again pleaded for him to stop, and demanded that Mr. Henry delete the naked photos he took of her without her consent. Mr. Henry simply laughed at Ms. Eckhart and did not delete the photos. Ms. Eckhart realized that Mr. Henry was taking these degrading photographs of her in order to blackmail her, and ensure that she never exposed his conduct.

99. When Mr. Henry was done taking photographs, he proceeded to forcefully rape Ms. Eckhart while she was still restrained and helpless in handcuffs. While raping Ms. Eckhart, Mr. Henry performed sadistic acts on Ms. Eckhart, which included, among many other things, violently hitting her in the face multiple times.

100. Ms. Eckhart did not consent to any part of this violent, painful rape.

101. The day after this rape, Ms. Eckhart told Mr. Henry that he had physically injured her. Specifically, she told him in text messages that she had sore wrists (they were actually

bleeding), a mark on her buttocks, a broken nail and a bruise on her leg, among other injuries to her body.

102. Mr. Henry did not even attempt to hide the fact that he was violent with Ms. Eckhart, and sent her more WhatsApp messages that read, “You’ll cum back for more,” “Will let you know,” “If/when avail” “so you can get slapped around some more.” He also wrote, “You know” “Who” “Your daddy” “Is[.]” “Good long session last time[.]” “Left you bruised[,] batter[ed][,] dazed.” Mr. Henry further admitted the sadistic and non-consensual nature of his actions when he wrote to Ms. Eckhart “When u r owned” “U don’t get a” “choice.”

**F. Mr. Henry Continues to Harass and Retaliates Against Ms. Eckhart, and Fox News Terminates Her Employment**

103. Following this incredibly violent rape, Ms. Eckhart made every possible effort to cease all communications with Mr. Henry.

104. Unfortunately, however, they continued to see each other in the halls of Fox News’ New York City offices.

105. When this happened, Ms. Eckhart refused to even come close to Mr. Henry and, in response, he continued to harass and retaliate against her for rejecting his continued advances.

106. By way of example, on October 5, 2018, Ms. Eckhart saw Mr. Henry approaching her at the Fox News offices. She immediately turned around and walked in the opposite direction. This angered Mr. Henry, who e-mailed her later that day saying, “Why’d you turn away today?” Ms. Eckhart never responded.

107. Less than three weeks later, Mr. Henry again attempted to engage with Ms. Eckhart by sending her a Twitter DM that said, “YO!” Ms. Eckhart, again, did not respond.

108. By way of another example at the offices of Fox News in New York, Ms. Eckhart, yet again, tried to ignore and even physically ran away from Mr. Henry to avoid having any



interaction with him. Mr. Henry texted Ms. Eckhart an image of a football player doing “the Heisman pose,” implying she was trying to get away from him, which she was.

109. In December 2019, despite the fact that Fox News was well aware of Mr. Henry’s inappropriate sexual misconduct (including, upon information and belief, sexual misconduct towards other Fox News employees), it was announced that Mr. Henry was promoted to the position of co-anchor of the “America’s Newsroom” program.

110. On February 10, 2020, Ms. Eckhart complained to Denise Collins (“Ms. Collins”), the Senior Vice President of Human Resources at Fox News, as well as her supervisor, Brad Hirst (“Mr. Hirst”), about the fact that she was experiencing a toxic work environment at Fox News. Neither Ms. Collins nor Mr. Hirst ever followed up with Ms. Eckhart about her concerns in this regard, nor did either make any effort to investigate or remediate the toxic working environment. Instead, on June 12, 2020, Fox News retaliated against Ms. Eckhart by informing her that her employment would be terminated effective June 26, 2020, after more than seven years of employment.

111. On June 25, 2020, prior to the effective date of her termination, Ms. Eckhart put Fox News on notice that she had retained legal counsel and intended to bring legal claims in relation to Mr. Henry’s misconduct. Ms. Eckhart’s counsel laid out all of the foregoing to Fox News’ in-house attorney, as well as Fox News’ outside investigator.

112. On July 1, 2020, Fox News terminated Mr. Henry, and purported to take credit for acting appropriately. Nothing could be further from the truth. Indeed, in Fox News’ public announcement, it grossly mischaracterized Mr. Henry’s behavior by whitewashing it as merely “sexual misconduct,” rather than violent sexual assault.

113. Fox News did not terminate Mr. Henry for his misconduct – it terminated Mr. Henry because it realized it was on the precipice of a public relations nightmare.

114. While Mr. Henry, no doubt, should have been terminated for his conduct, Fox News never should have put him in a position to engage in this behavior to begin with. Fox News, including Mr. Lord, Mr. Wallace and Ms. Petterson, was on notice of Mr. Henry's sexual misconduct towards other women at Fox at least as early as 2017. Nevertheless, Fox News not only supported Mr. Henry, but also promoted him to a co-anchor position.

115. As a result, he held a position of power from which he felt emboldened to violently rape Ms. Eckhart.

116. Fox News also rewarded Mr. Henry with a new streaming show on Fox Nation called, 'Ed Henry's Front Row Seat.' Moreover, HarperCollins, an affiliate of Fox News, subsequently gave Mr. Henry yet another book deal.

117. To add insult to injury, Fox News did not even notify Ms. Eckhart of the fact that it would be terminating Mr. Henry after the findings of its internal investigation. Thus, she was left to learn of this decision from the media and Twitter. Fox News also sent an internal memo to thousands of its employees, including Ms. Eckhart's former colleagues at the network, about the decision to terminate Mr. Henry without consulting with or notifying Ms. Eckhart.

118. This conduct on the part of Fox News is abhorrent, and, of course, only served to greatly increase the trauma that Ms. Eckhart is experiencing as a result.

119. Fox News engaged in this retaliatory conduct because Ms. Eckhart engaged in protected activity by hiring counsel and putting Fox News on notice of her intent to bring legal claims.

120. Long after former Chairman and CEO Roger Ailes' regime appeared to come to an end, Fox News continues to foster and cultivate an environment in which Mr. Henry's conduct was accepted and rewarded.

121. Unfortunately, it seems that Fox's "new regime" is no better than the Ailes regime.

## **II. MS. AREU**

122. Ms. Areu first appeared on Fox News in 2008. In the 12 years that followed, Ms. Areu has appeared on Fox News hundreds of times, including on "Fox and Friends" (and "Fox and Friends First"), "Watters World," "Media Buzz," "Your World with Neil Cavuto," "The Ingraham Angle," "Outnumbered," "The Kelly File," "The O'Reilly Factor," "Hannity" and "Tucker Carlson Tonight." She has also appeared on many Fox Nation shows, including "Quiz Show," "Deep Dive," "The Lawrence Jones Show," "Keeping Up With Jones" and "Moms." For the vast majority of the last three years, Ms. Areu has been on Fox News five or more times per week. In addition to her on-air work, Ms. Areu had a monthly op-ed that was published on Fox News' website.

123. In recent years, Ms. Areu was very well known for her segments on Tucker Carlson Tonight, where she has appeared on a regular basis as the "Liberal Sherpa" from 2017 through 2018. Ms. Areu's segments have garnered tens of millions of viewers and continue to be accessible on Fox News' website. They were also for a time, and may still be, the most viewed segments on all of Fox News.

124. Throughout her entire part time employment relationship with Fox News, Ms. Areu hoped to earn a full time position through hard work and dedication to improving the Fox News brand. This was no secret to anyone, as she constantly expressed her desire for a full time

position to myriad employees, including anchors, producers and executives at Fox News, including, *inter alia*, Amy Sohnen (Vice President of Talent Development), Ron Mitchell, Mr. Kurtz, Mr. Carlson, Mr. Hannity, Ainsley Earhardt, Mr. Henry and many others. She also worked through her agent at William Morris and was nearing the “financials” stage of a contract in 2018.

125. Fox News strung Ms. Areu along as a candidate for a full time position, all while she was being sexually harassed and retaliated against. In reality, Ms. Areu was never going to get a full time position unless and until she engaged in sexual activity with one or more male anchors. Indeed, as a decades-tenured cameraman explained to Ms. Areu, it is well known that the way for women to get ahead at Fox News is to sleep with the male anchors and executives. As described in detail herein, Ms. Areu’s career at Fox News was derailed because she refused to do so.

**A. Howard Kurtz**

126. Mr. Kurtz hosts Fox News’ Media Buzz show. From 2017 through 2019, Ms. Areu was a relative regular on the show, appearing over a dozen times. Ms. Areu’s segments were so popular that Laura Ingraham added a similar media segment to her show.

127. Mr. Kurtz was well aware that Ms. Areu was looking for full time work at Fox News. In a March 9, 2019 email exchange, she asked Mr. Kurtz for advice on obtaining a full time position, and he responded that it was “long overdue.” Just a few months later, on July 9, 2019, while Mr. Kurtz was in New York City, he invited Ms. Areu to come to his hotel (“I’m just at my hotel making calls. Can you come to the Muse lobby at 7:15?”). Ms. Areu politely declined but invited Mr. Kurtz to dinner with her and a friend who was in town. Mr. Kurtz, who

plainly wanted to see Ms. Areu only if she were alone and at his hotel (*i.e.*, for sexual reasons) declined.

128. The morning after Ms. Areu rejected Mr. Kurtz's advances, he refused to meet with her at the studio and curtly said to her, "I'm booked solid this morning which is why I hoped to connect last night." Mr. Kurtz was punishing Ms. Areu for refusing to join him at his hotel. As if this were not already obvious enough, shortly after this, Mr. Kurtz stated to Ms. Areu, in sum and substance, "you're the only woman here who won't come to my hotel room." Ms. Areu has only appeared approximately three times on Media Buzz following her rejection of Mr. Kurtz's advances.

**B. Tucker Carlson**

129. In 2017 and 2018, Ms. Areu appeared on a very frequent basis on Tucker Carlson Tonight (17 times, at least, in 2018 alone).

130. Ms. Areu's final 2018 appearance on the show was in December 2018. That particular show was filmed live in New York City and Mr. Carlson was in New York City at the studio.

131. After Ms. Areu's segment was completed, one of Mr. Carlson's producers or writers whispered in Ms. Areu's ear, while she was on set trying to get out of the chair, and told her that Mr. Carlson wanted her to stay until the very end of the show to chat with him. Ms. Areu had no choice but to comply with Mr. Carlson's request due to the fact that she was on live television while tied to her chair with a microphone on her that was attached to the chair. Ms. Areu was also wearing an earpiece that the tech crew refused to take off.

132. Mr. Carlson's tech crew refused to undo Ms. Areu's equipment on set therefore she could not leave the chair or studio.

133. Following the show, Mr. Carlson changed on set into his leather jacket for the annual Christmas party that he told Ms. Areu he would only be attending for approximately 10 minutes to, “make a quick appearance.”

134. Following the show, Mr. Carlson, hardly making any effort to hide his intentions, began telling Ms. Areu that he would be alone in New York City that night, and specifically said that he would be staying alone in his hotel room without any wife or kids.

135. Without question, Mr. Carlson was probing to see whether Ms. Areu was interested in a sexual relationship.

136. Ms. Areu awkwardly sidestepped Mr. Carlson’s advances and declined to spend the night at his hotel.

137. Mr. Carlson promptly retaliated against Ms. Areu, who was featured on his show only three times in 2019 and has not appeared once in 2020.

138. According to Mr. Carlson’s producer, it is Mr. Carlson himself who consistently rejects proposals to have Ms. Areu on his show, notwithstanding the fact that her segments were, or were among, his most popular.

**C. Sean Hannity**

139. Ms. Areu also was a relatively regular face on “Hannity” on Fox News until March 8, 2018.

140. On that day, Mr. Hannity, on set and in front of the entire studio crew – and completely unsolicited – threw \$100 on the set desk. He then began calling out to the men in the room and demanding that someone take Ms. Areu out on a date for drinks at *Del Friscos*. He repeatedly yelled, “who wants to take her on a date?” “Take her on a date to *Del Friscos*.”

141. Ms. Areu was completely mortified and made clear that she was incredibly uncomfortable with Mr. Hannity's misogynistic behavior by quietly pleading with one of her friends in the room to accept the money so that the humiliation would end.

142. To make matters worse, Ms. Areu was "stuck" and could not even leave because Mr. Hannity engaged in this conduct while she was "hooked into" studio equipment that could only have been removed by a stagehand.

143. Thankfully, none of the staff cooperated with Mr. Hannity, even after he repeatedly chided one particular male employee for being "afraid to take out a beautiful woman."

144. After this incident, and Ms. Areu's failure to "play along," Ms. Areu was hardly ever, if ever at all, invited back to appear on "Hannity" on Fox News.

**D. Ed Henry**

145. Mr. Henry sent Ms. Areu a slew of wildly inappropriate sexual images, messages and videos through the first half of this year, including many texts in which he implied that Ms. Areu should have sex with him and that he would assist Ms. Areu's career if she did so.

146. While Ms. Areu was always cordial to Mr. Henry, she never once indicated to him through text or otherwise that she had any sexual interest in him nor did she solicit these pornographic images and videos.

147. On Easter Sunday, April 12, 2020, Mr. Henry sent Ms. Areu a picture of a vagina painted as an Easter bunny. On another occasion, Mr. Henry also sent Ms. Areu a pornographic video that Ms. Areu's 8-year-old and 10-year-old children listened to by accident.

148. Ms. Areu had to hide her phone never knowing what inappropriate or sexually lewd message Mr. Henry might send to her with her children present.



149. On May 21, 2020, Mr. Henry asked Ms. Areu to speak over the phone. Ms. Areu was direct with Mr. Henry and asked whether he thought that Fox News might be hiring. Mr. Henry then made it clear what he expected from Ms. Areu if she wanted his assistance. Specifically, he started berating her for being “boring” and “not who [he] thought [she] w[as].” After Ms. Areu did not assuage Mr. Henry’s concerns by indicating that she was not “boring” (*i.e.*, that she would be willing to engage in sexual acts with him), Mr. Henry ended the call.

150. Over the following two weeks, Ms. Areu, attempting to salvage the relationship (in order to salvage her career), pitched various story ideas. When he failed to even respond, she wrote to him, “Wait, you haven’t written to me since we spoke. I sucked that bad?” Mr. Henry – making it clear that he was unhappy that Ms. Areu had decided not to sleep with him in exchange for his assistance with her career – wrote, “Nah you decided to be a jerk which made me sad.” Of course, Mr. Henry was simply fishing for Ms. Areu to change her mind and sleep with him. When she failed to do so, he simply wrote, “All good. Hope Florida is fabulous.”

151. He never again communicated with Ms. Areu.

**E. WXEL**

152. During the COVID-19 coronavirus pandemic Ms. Areu regularly broadcasted from South Florida Public Broadcasting Station, WXEL (“WXEL”), a Fox News affiliate. On February 10, 2020, Ms. Areu was broadcasting from WXEL. On that day, a cameraman named Gill – who had been showing Ms. Areu photographs of women in bikinis all morning – squeezed her rear end without warning or consent. Ms. Areu promptly reported this sexual battery to the Station Manager, Michael Frazier, who purportedly reported the matter to Diane Herron, the station’s Human Resources Manager. Neither Ms. Herron nor any other employee from WXEL

contacted Ms. Areu to investigate this conduct. Instead, shortly after Ms. Areu reported this conduct, she was prohibited from ever again entering the WXEL studio.

**F. Gianno Caldwell**

153. Gianno Caldwell is a Fox News Political Analyst based in Miami, Florida. On May 31, 2020, Mr. Caldwell texted Ms. Areu a video of him together with Ann Coulter, a far-right media pundit who regularly appears on Fox News. The video depicted Ms. Coulter being swarmed by media. Mr. Caldwell wrote, “Ann is my friend.”

154. Mr. Caldwell, who knew that Ms. Areu would have loved the opportunity to meet and work with Ms. Coulter, used this fact to attempt to coerce Ms. Areu into dating him.

155. Indeed, right after he sent the video, he wrote, “I had no idea you were here [in Florida]. We def need to get together.”

156. Ms. Areu ignored Mr. Caldwell’s request and deflected by making a joke about how famous Ms. Coulter is (“I didn’t know she was that famous. I get asked for selfies at Publix milk aisle. That’s about it.”).

157. Mr. Caldwell, either not getting the hint or not caring, responded, “I live in Brickell.”

158. Ms. Areu again brought the conversation back to business and told Mr. Caldwell that she would love to be invited to meet Ms. Coulter next time Mr. Caldwell saw her (“I’d love to be invited next time! Liberal Sherpa and Ann Coulter and Gianno Caldwell would bring peace and unity to all.”).

159. Mr. Caldwell responded, “Dope!” Mr. Caldwell then made clear that the “price” to meet Ms. Coulter would be a date with Mr. Caldwell.

160. Specifically, Ms. Areu asked, “Can I take you two for lunch,” and Mr. Caldwell responded, “Take me to lunch.”

161. Ms. Areu ignored this request as well, and Mr. Caldwell never introduced her to Ms. Coulter.

**FIRST CAUSE OF ACTION**  
**(Sex Trafficking under 18 U.S.C. § 1591, *et seq.*)**  
***Against Fox News and Ed Henry***

162. Ms. Eckhart repeats and realleges by reference each and every allegation contained hereinabove and incorporates the same herein as though fully set forth herein.

163. Defendant Mr. Henry enticed women, including Ms. Eckhart, to attend meetings and social gatherings with him based on the fraudulent promise that he would aid their career development.

164. The opportunity to have a private meeting with Mr. Henry to discuss career development carries value because such opportunities can be career-making and therefore life-changing.

165. Mr. Henry enticed Plaintiff to his hotel room based on the false pretense that he would discuss and aid her career progression.

166. Mr. Henry engaged in sexual acts with Plaintiff in his hotel room without her consent.

167. Mr. Henry and Fox News formed a venture as defined by 18 U.S.C. § 1591 given that they constituted a “group of two or more individuals associated in fact, whether or not a legal entity.”

168. Fox News benefited from participation in the venture because Fox News received value from Mr. Henry’s services and benefited financially from his continued employment.

169. Fox News knew that Mr. Henry engaged in a pattern and practice of sexual misconduct with women prior to the time that he raped Ms. Eckhart.

170. Fox News participated in Mr. Henry's sexual misconduct by knowingly assisting and facilitating Mr. Henry with the resources and authority to engage in sexual misconduct and by helping to clean up after and cover up the sexual misconduct, including by failing to investigate claims of sexual misconduct and refusing to remediate or take action against Mr. Henry upon learning of Mr. Henry's sexual misconduct.

171. Fox News also paid for Mr. Henry's interstate travel and the premises where the sexual assault was committed.

172. Had Fox News terminated Mr. Henry upon learning of his sexual misconduct, it would have suffered financial harm, and Ms. Eckhart would not have been raped.

173. Fox News benefited from its involvement in the venture because it allowed Mr. Henry to continue to appear on Fox News and co-anchor shows, which resulted in Fox News continuing to make money.

174. As a direct and proximate result of Fox News' and Ed Henry's unlawful conduct as alleged hereinabove, Plaintiff has suffered physical injury, severe emotional distress, humiliation, embarrassment, mental and emotional distress and anxiety, economic harm and other consequential damages.

175. Plaintiff also seeks reasonable attorneys' fees as provided under 18 U.S. Code § 1595(a).

**SECOND CAUSE OF ACTION**  
**(Hostile Work Environment, Sexual Harassment and Gender  
Discrimination under the NYSHRL)**  
***Against All Defendants***

176. Plaintiffs hereby repeat and reallege each and every allegation in the preceding paragraphs as if set forth fully herein.

177. Defendants have discriminated against Plaintiffs on the basis of their gender in violation of the NYSHRL by subjecting Plaintiffs to disparate treatment based upon their gender, including, but not limited to, subjecting them to sexual assault and/or harassment and a hostile work environment.

178. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiffs have suffered, and continue to suffer, monetary and/or economic harm for which they are entitled to an award of monetary damages and other relief.

179. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiffs have suffered, and continue to suffer, severe mental anguish and emotional distress for which they are entitled to an award of monetary damages and other relief.

180. Defendants' unlawful and discriminatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiffs' rights under the NYSHRL for which Plaintiffs are entitled to an award of punitive damages

**THIRD CAUSE OF ACTION**  
**(Hostile Work Environment, Sexual Harassment and Gender  
Discrimination under the NYCHRL)**  
***Against All Defendants***

181. Plaintiffs hereby repeat and reallege each and every allegation in the preceding paragraphs as if set forth fully herein.

182. Defendants have discriminated against Plaintiffs on the basis of their gender in violation of the NYCHRL by subjecting Plaintiffs to disparate treatment based upon their gender, including, but not limited to, subjecting them to sexual assault and/or harassment and a hostile work environment.

183. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiffs have suffered, and continue to suffer, monetary and/or economic harm for which they are entitled to an award of monetary damages and other relief.

184. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiffs have suffered, and continue to suffer, severe mental anguish and emotional distress for which they are entitled to an award of monetary damages and other relief.

185. Defendants' unlawful and discriminatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiffs' rights under the NYCHRL for which Plaintiffs are entitled to an award of punitive damages.

**FOURTH CAUSE OF ACTION**  
**(Retaliation under the NYSHRL)**  
***Against All Defendants***

186. Plaintiffs hereby repeat and reallege each and every allegation in the preceding paragraphs as if set forth fully herein.

187. Defendants have retaliated against Plaintiffs because they engaged in protected activity as defined by the NYSHRL by, inter alia, terminating their employment and/or failing to hire them, and subjecting them to post-termination harassment and trauma.

188. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYSHRL, Plaintiffs have suffered, and continue to suffer, monetary and/or economic harm for which they are entitled to an award of monetary damages and other relief.

189. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYSHRL, Plaintiffs have suffered, and continue to suffer, severe mental anguish and emotional distress for which they are entitled to an award of monetary damages and other relief.

190. Defendants' unlawful and retaliatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiffs' rights under the NYSHRL for which Plaintiffs are entitled to an award of punitive damages

**FIFTH CAUSE OF ACTION**  
**(Retaliation under the NYCHRL)**  
*Against All Defendants*

191. Plaintiffs hereby repeat and reallege each and every allegation in the preceding paragraphs as if set forth fully herein.

192. Defendants have retaliated against Plaintiffs because they engaged in protected activity as defined by the NYCHRL by, inter alia, terminating their employment and/or failing to hire them, and subjecting them to post-termination harassment and trauma.

193. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYCHRL, Plaintiffs have suffered, and continue to suffer, monetary and/or economic harm for which they are entitled to an award of monetary damages and other relief.

194. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYCHRL, Plaintiffs have suffered, and continue to suffer, severe mental anguish

and emotional distress for which they are entitled to an award of monetary damages and other relief.

195. Defendants' unlawful and retaliatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiffs' rights under the NYCHRL for which Plaintiffs are entitled to an award of punitive damages

**SIXTH CAUSE OF ACTION**  
**(Gender-Motivated Violence Pursuant to NYC Admin. Code)**  
***Against Defendant Ed Henry***

196. Plaintiff Eckhart hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

197. The above-described conduct of Mr. Henry, including, but not limited to, Mr. Henry's sexual assaults and rape of Plaintiff Eckhart, constitutes a "crime of violence" and a "crime of violence motivated by gender" against Plaintiff as defined by the New York City Gender Motivated Violence Act, NYC Admin. Code § 8-903 (2017), ("GMVA").

198. The above-described conduct of Mr. Henry, including, but not limited to, Mr. Henry's sexual assaults and rape of Plaintiff, constitutes a "crime of violence" against Plaintiff motivated: (i) by her gender; (ii) on the basis of her gender; and/or (iii) due, at least in part, to an animus based on her gender.

199. Mr. Henry committed a "crime of violence" against Plaintiff because she is a woman and, at least in part, because he has an animus towards women. Mr. Henry's gender-motivated animus towards women is demonstrated by, among other things, his sexually violent treatment of women.

200. As a direct and proximate result of the aforementioned gender-motivated violence, Plaintiff has sustained in the past and will continue to sustain, monetary damages,



physical injury, pain and suffering, and serious psychological and emotional distress, entitling her to an award of compensatory damages.

201. Mr. Henry's gender-motivated violence against Plaintiff entitles her to punitive damages and an award of attorneys' fees and costs.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs pray that the Court enter judgment in their favor and against Defendants, containing the following relief:

A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the United States, the State of New York and the City of New York;

B. An injunction and order permanently restraining Defendants and their partners, officers, owners, agents, successors, employees and/or representatives, and any and all persons acting in concert with them, from engaging in any such further unlawful conduct, including the policies and practices complained of herein;

C. An award of damages against Defendants, or any jointly or severally liable entity or person, in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiffs for all monetary and/or economic damages, including, but not limited to, loss of past and future income, wages, compensation, seniority, and other benefits of employment;

D. An award of damages against Defendants, or any jointly or severally liable entity or person, in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiffs for all non-monetary and/or compensatory damages, including, but not limited to, compensation for her emotional distress;

E. An award of damages for any and all other monetary and/or non-monetary losses suffered by Plaintiffs, including, but not limited to, loss of income, earned bonus pay, reputational harm and harm to professional reputation, in an amount to be determined at trial, plus prejudgment interest;

F. An award of punitive damages, and any applicable penalties and/or liquidated damages in an amount to be determined at trial;

G. Prejudgment interest on all amounts due;

H. An award of costs that Plaintiffs have incurred in this action, including, but not limited to, expert witness fees, as well as Plaintiffs' reasonable attorneys' fees and costs to the fullest extent permitted by law; and

I. Such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

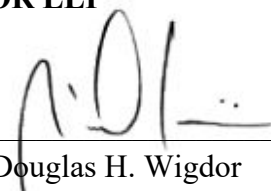
Plaintiffs hereby demand a trial by jury on all issues of fact and damages stated herein.

Dated: July 20, 2020  
New York, New York

Respectfully submitted,

**WIGDOR LLP**

By: \_\_\_\_\_

  
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