

5. Defendant NW Communications of Texas, Inc. is a Texas corporation and has waived service of process. Michael Shaunessy, counsel for NW Communications of Texas, Inc., will accept service on its behalf at his office, Sedgwick, Detert, Moran & Arnold LLP, 919 Congress Avenue, Suite 1250, Austin, Texas, 78701.

6. Defendant Fox Television Stations, Inc. is a Delaware corporation and has waived service of process. Michael Shaunessy, counsel for Fox Television Stations, Inc., will accept service on its behalf at his office, Sedgwick, Detert, Moran & Arnold LLP, 919 Congress Avenue, Suite 1250, Austin, Texas, 78701.

Overview

7. Plaintiff is a well-recognized and highly acclaimed television news reporter. She also has a documented history of complaining about the treatment of Hispanics and Latinos by her employer, the Defendants. This advocacy led to strained relations with her employer. Then, in September 2007, the issue moved to the forefront when Plaintiff proposed that Defendants consider interviewing Latino and Hispanic candidates for management positions. Because Hispanics represent the largest minority group in Fox's target area, Plaintiff believed a more diverse management team would facilitate a number of worthy minority goals with regard to Hispanic and Latino representation.

8. Instead of following Plaintiff's suggestion, Fox instead used the next possible opportunity to terminate her employment. As a result of pretextual and fabricated criticism about a particular story, on October 16, 2007, Fox suspended Plaintiff from the air. Through a series of stops and starts, Fox eventually declined to renew her contract and refused to allow Plaintiff to return to the air.

Factual Background

9. Upon information and belief, Defendant NW Communications of Texas, Inc. is a subsidiary of Defendant Fox Television Stations, Inc. Defendants are key players in the television media industry in North Texas.

10. Aguilar was hired by Fox as a television news reporter in 1984. She delivered hard-hitting news stories and received frequent praise and awards—including prestigious Emmy Awards—for her journalistic accomplishments.

11. Aguilar is Hispanic and, since approximately 1999, she has advocated Latino issues and pushed for equality in the Fox workplace. This advocacy was frequently met with opposition. Aguilar counseled several Hispanic employees who, upon information and belief, had been discriminated against because of their race. She voiced concerns about the treatment of these employees to her superiors, but favorable action was rarely taken.

12. In September 2007, Aguilar received the Hispanic Journalist of the Year award from the National Association of Hispanic Journalists. Aguilar then asked Maria Barrs, Vice President of News for Fox, to use the publicity generated by this award to seek out and interview qualified minority candidates for management positions within Fox. Because Hispanics comprise the largest minority group in Fox's target area, Aguilar believed a more diverse management team would facilitate a number of worthy minority goals with regard to Hispanic and Latino representation.

13. Not only did Barrs reject this suggestion, but upon information and belief, Barrs decided to terminate Aguilar's employment at the next possible opportunity.

14. Shortly thereafter, as a result of pretextual and fabricated criticism about a particular story Aguilar reported, she was suspended from October 16, 2007 until November 2,

2007. At that point, Fox lifted the suspension, but removed Aguilar from the air without cause or explanation. Aguilar advised Fox that she believed its actions were discriminatory, but her concerns were rebuffed.

15. Then, on March 6, 2008, Aguilar was notified that her two-year contract with the station would not be renewed, effectively resulting in her termination. She had not been on the air since October 2007.

Conditions Precedent

16. All conditions precedent have been performed or have occurred. Aguilar timely filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) within 180 days of her March 2008 termination. She obtained right to sue letters from the EEOC and the Texas Workforce Commission (“TWC”). (See attached Exhibits A and B.) She filed this lawsuit within sixty days from the receipt of her Notice of Right to File a Civil Action letter from the TWC.

Causes of Action

A. -Discrimination Under the Texas Commission of Human Rights Act

17. Aguilar realleges the facts described above as though fully set forth herein.

18. Fox has engaged in unlawful employment practices in violation of the Texas Commission on Human Rights Act (“TCHRA”), Texas Labor Code § 21.051.

19. These practices include, but are not limited to, discriminating against Aguilar on the basis of her race, refusing to allow her to perform her job by refusing to allow her to appear on air, and terminating her employment based upon her race.

20. The effect of the practices described above has been to deprive Aguilar of equal employment opportunities and otherwise adversely affect her employment and employment

status based upon her race. This has caused Aguilar to sustain damages, including, but not limited to, loss of salary, benefits, promotions, past and future income opportunities, emotional pain, suffering, mental distress and anguish.

21. Fox's conduct was intentional and performed with malice and/or with reckless indifference to Aguilar's protected rights. Accordingly, Aguilar is entitled to recover punitive damages.

B. Retaliation Under the Texas Commission on Human Rights Act

22. Aguilar realleges the facts described above as if fully set forth herein.

23. Aguilar was engaged in a protected activity when she made complaints about race discrimination, both against her and against others, to Fox. Her involvement in this protected activity was known to Fox.

24. Fox took adverse action against Aguilar by suspending her, refusing to allow her to perform her job, and terminating her employment. A causal link exists between Aguilar's participation in protected activity and Fox's adverse employment action.

25. Fox, therefore, has engaged in unlawful retaliation in violation of Texas Labor Code § 21.055.

26. The effect of Fox's adverse employment action has caused Aguilar to sustain damages, including, but not limited to, loss of salary, benefits, promotions, past and future income opportunities, emotional pain, suffering, inconvenience, and mental distress and anguish.

Attorneys' Fees

27. Aguilar realleges the facts described above as if fully set forth herein.

28. As a result of Fox's discrimination and retaliation, Aguilar was required to retain attorneys to represent her in this action. Aguilar therefore seeks recovery of her reasonable attorneys' fees, expenses and costs as permitted under Texas Labor Code § 21.259.

Jury Demand

29. Aguilar demands a trial by jury on all contested issues of fact.

Prayer

Aguilar respectfully requests the Court award her:

- a. Actual damages, including without limitation, her lost wages and benefits from March 2008 to the present and damages for emotional pain, suffering and mental anguish;
- b. Attorneys' fees and costs;
- c. Punitive damages;
- d. Prejudgment and postjudgment interest at the highest rate permitted by law; and
- e. All other relief the Court deems appropriate.

Dated this 12th day of January 2009.

Respectfully submitted,

CLOUSE DUNN KHOSHBIN LLP



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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that this document was served upon the following counsel of record via certified mail, return receipt requested, in accordance with the Texas Rules of Civil Procedure, on the 12th day of January, 2009.

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